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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 23

[Docket No. FAA–2017–0651; Special Conditions No. 23–285–SC]

Special Conditions: Game Composites Ltd., GB1 Airplane; Acrobatic Category Aerodynamic Stability

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions.

SUMMARY: These special conditions are issued for the Game Composites Ltd. GB1 airplane. This airplane will have a novel or unusual design feature(s) associated with static stability. This airplane can perform at the highest level of aerobatic competition. To be competitive, the airplane is designed with its lateral and directional axes being decoupled from each other; providing more precise maneuvering. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: These special conditions are effective August 29, 2017 and are applicable on August 22, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Ross Schaller, AIR–714, Federal Aviation Administration, Compliance and Airworthiness Division, Flight Test Branch, Aircraft Certification Service, 901 Locust, Kansas City, Missouri 64106; telephone (816) 329–4162; facsimile (816) 329–4090.

SUPPLEMENTARY INFORMATION:

Background

On March 10, 2014, Game Composite Ltd. applied for a type certificate for their new GB1 airplane. The GB1 is a single-engine airplane with a two-place tandem canopy cockpit. It features conventional landing gear, conventional low-wing planform, and is mostly constructed of carbon composite materials. The engine is a Lycoming AEIO–580–B1A, fitted with a model MTV–14–B–C/C190–130 4-blade MT-propeller. The airplane will be approved for Day-VFR operations (non-icing). The maximum takeoff weight is 2,200 pounds in acrobatic category with a maximum operating altitude of 15,000 feet. The never exceed speed (V_{NE}) is 230 knots, the design cruise speed (V_C) is 200 knots, and the design maneuvering speed (V_A) is 175 knots.

Acrobatic airplanes previously type certified by the FAA did comply with the stability provisions of part 23, subpart B. However, airplanes like the GB1 are considered as ''unlimited'' acrobatic airplanes because these airplanes can perform all the maneuvers listed in the Aresti Catalog. Generally, the evolution of the ''unlimited'' types of acrobatic airplanes, with very low mass, exceptional roll rates, and very high G capabilities—in addition to power to mass ratios—are unique to this type of airplane and have led to airplanes that cannot comply with the stability provisions of the regulations. These airplanes can be type certified in the acrobatic category only with an appropriate set of special conditions and associated limitations.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Game Composites Ltd. must show the GB1 meets the applicable provisions of part 23, as amended by amendments 23–1 through 23–62 thereto.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 23) do not contain adequate or appropriate safety standards for the GB1 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the FAA would apply these special conditions to the other model under § 21.17(a)(2).

In addition to the applicable airworthiness regulations and special conditions, the GB1 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36 and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The GB1 airplane will incorporate the following novel or unusual design features:

For acrobatic category airplanes with unlimited acrobatic capability:

Relaxed longitudinal and decoupled lateral static stability characteristics.

Discussion

Sections 23.173 and 23.177 provide static stability criteria for longitudinal, lateral, and directional axes requirements for an airplane. However, these requirements are not adequate to address the specific issues raised in the flight characteristics of an unlimited aerobatic airplane. Therefore, the FAA has determined special conditions are needed—after a flight-test evaluation—to address the static stability characteristics of the GB1. Accordingly, these special conditions are for the Game Composites Ltd. GB1 airplane's static stability characteristics.

Discussion of Comments

Notice of proposed special conditions No. 23–17–02–SC for the Game Composites Ltd. GB1 airplane was published in the **Federal Register** on July 3, 2017 (82 FR 30798). The FAA received one comment. The commenter suggested the FAA makes this special condition a standard for all unlimited aerobatic airplanes. The FAA agrees and published amendment 23–64 in the **Federal Register** (81 FR 96572, December 30, 2016) with an effective date of August 30, 2017; moving from a prescriptive-based to a performance-based regulation. A goal of amendment 23–64 is to reduce the need for special conditions through the use of industry standards that can be applied—as the commenter suggests—to airplanes that meet the criteria for that standard. Until an industry standard is developed by an industry standards organization such as

ASTM International, SAE International, etc. these special conditions are required and adopted as proposed.

Applicability

As discussed above, these special conditions are applicable to the GB1. Should Game Composites Ltd. apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature the FAA would apply these special conditions to that model as well.

Under standard practice, the effective date of final special conditions would be 30 days after the date of publication in the **Federal Register**; however, as the certification date for the Game Composites Ltd. GB1 airplane is imminent, pursuant to 5 U.S.C. 553(d) the FAA finds that good cause exists to make these special conditions effective upon issuance.

Conclusion

This action affects only certain novel or unusual design features on one model of airplane. It is not a rule of general applicability and it affects only the applicant who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Part 23

Aircraft, Aviation safety, Signs and symbols.

Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special condition are issued as part of the type certification basis for Game Composites GB1 airplanes.

1. Acrobatic Only Category Static Stability Requirements.

a. In place of 14 CFR 23.173, ''Static longitudinal stability,'' comply with the following:

SC23.173 Static Longitudinal Stability

Under the conditions in 14 CFR 23.175 and with the airplane trimmed as indicated, the characteristics of the elevator control forces and the friction within the control system must be as follows:

(a) A pull must be required to obtain and maintain speeds below the specified trim speed and a push required to obtain and maintain speeds above the specified trim speed. This must be shown at any speed that can be obtained, except that speeds requiring a control force in excess of 40 pounds or speeds above the maximum allowable speed or below the minimum speed for steady unstalled flight need not be considered.

(b) The stick force or position must vary with speed so any substantial speed change results in a stick force or position clearly perceptible to the pilot.

b. In place of 14 CFR 23.177, ''Static directional and lateral stability,'' comply with the following:

SC23.177 Static Directional and Lateral Stability

(a) The static directional stability, as shown by the tendency to recover from a wings level sideslip with the rudder free, must be positive for any landing gear and flap position appropriate to the takeoff, climb, cruise, approach, and landing configurations. This must be shown with symmetrical power up to maximum continuous power and at speeds from 1.2 V_{S1} to V_O (maximum operating maneuvering speed); the rudder pedal force must not reverse.

(b) In straight, steady slips at 1.2 V_{S1} for any landing gear and flap positions and for any symmetrical power conditions up to 50 percent of maximum continuous power, the rudder control movements and forces must increase steadily—but not necessarily in constant proportion—as the angle of sideslip is increased up to the maximum appropriate for the type of airplane. The aileron control movements and forces may increase steadily, but not necessarily in constant proportion, as the angle of sideslip is increased up to the maximum appropriate for the type of airplane. At larger slip angles, up to the angle at which full rudder or aileron control is used or a control force limit contained in 14 CFR 23.143 is reached, the aileron and rudder control movements and forces must not reverse as the angle of sideslip is increased.

Rapid entry into—and recovery from—a maximum sideslip considered appropriate for the airplane must not result in uncontrollable flight characteristics.

Issued in Kansas City, Missouri, on August 22, 2017.

Pat Mullen,

Manager, Small Airplane Standards Branch, Aircraft Certification Service.

[FR Doc. 2017–18324 Filed 8–28–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA–2017–0768; Amendment No. 91-?]

RIN 2120–AL07

Prohibition Against Certain Flights in the Damascus (OSTT) Flight Information Region (FIR)

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This action reissues a prohibition of certain flight operations in the Damascus (OSTT) Flight Information Region (FIR) by all U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except such persons operating a U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except where the operator is a foreign air carrier. The FAA finds that this action is necessary to safeguard against continuing hazards to persons and aircraft engaged in such flight operations.

DATES: This final rule is effective on August 28, 2017.

FOR FURTHER INFORMATION CONTACT: Michael Filippell or Will Gonzalez, Air Transportation Division, AFS–220, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: 202–267–8166; email: *michael.e.filippell@faa.gov* or *will.gonzalez@faa.gov*.

SUPPLEMENTARY INFORMATION:

I. Executive Summary

This action prohibits certain flight operations in the Damascus (OSTT) Flight Information Region by all U.S. air carriers; U.S. commercial operators; persons exercising the privileges of an airman certificate issued by the FAA, except such persons operating a U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except where the operator is a foreign air carrier. The FAA finds this action necessary to safeguard against continuing hazards to persons and aircraft engaged in such flight operations.

Special Federal Aviation Regulation No. 114, 14 CFR 91.1609, (SFAR 114) was first published on December 30, 2014 (79 FR 78299). Although an extension of SFAR No. 114, 14 CFR

91.1609, was published on December 27, 2016, (81 FR 94958), the prohibition itself was inadvertently removed from the Code of Federal Regulations due to incorrect amendatory instructions regarding dates in the original SFAR No. 114, 14 CFR 91.1609. On January 4, 2017, the FAA issued Notice to Airmen (NOTAM) KICZ A0001/17 to continue the prohibition of certain flight operations in the Damascus (OSTT) FIR due to the continuing hazards to U.S. civil aviation operations therein.

The FAA issued this NOTAM pursuant to the Administrator's authorities under 49 U.S.C. 40113(a) and 46105(c). Section 40113(a) authorizes the Administrator, with respect to aviation safety duties and powers designated to be carried out by the Administrator, to take action the Administrator considers necessary to carry out Part A (Air Commerce and Safety) of Subtitle VII (Aviation Programs) of title 49, U.S. Code, including conducting investigations, prescribing regulations, standards, and procedures, and issuing orders. Section 46105(c) provides that, when the Administrator is of the opinion that an emergency exists related to safety in air commerce and requires immediate action, the Administrator, on the initiative of the Administrator or on complaint, may prescribe regulations and issue orders immediately to meet the emergency, with or without notice and without regard to Part A (Air Commerce and Safety) of Subtitle VII (Aviation Programs) of title 49, U.S. Code, and subchapter II of chapter 5 of title 5. The Administrator must begin a proceeding immediately about an emergency under section 46105(c) and give preference, when practicable, to the proceeding.

This rule reissues SFAR No. 114, 14 CFR 91.1609, in its entirety, and extends the rule's expiration date until December 30, 2018, with an effective date of August 28, 2017.

II. Legal Authority and Good Cause

A. Authority for This Rulemaking

The FAA is responsible for the safety of flight in the United States and for the safety of U.S. civil operators, U.S.-registered civil aircraft, and U.S.-certificated airmen throughout the world. The FAA's authority to issue rules on aviation safety is found in title 49 of the U.S. Code. Subtitle I, sections 106(f) and (g), describe the authority of the FAA Administrator. Subtitle VII of title 49, Aviation Programs, describes in more detail the scope of the agency's authority. Section 40101(d)(1) provides that the Administrator shall consider in the public interest, among other matters, assigning, maintaining, and enhancing safety and security as the highest priorities in air commerce. Section 40105(b)(1)(A) requires the Administrator to exercise his authority consistently with the obligations of the U.S. Government under international agreements.

This SFAR is promulgated under the authority described in Title 49, Subtitle VII, Part A, Subpart III, section 44701, General requirements. Under that section, the FAA is charged broadly with promoting safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for practices, methods, and procedures that the Administrator finds necessary for safety in air commerce and national security. This regulation is within the scope of that authority because it prohibits certain flight operations in the Damascus (OSTT) FIR due to the hazards to persons and aircraft engaged in such flight operations that are described in the Background section of this final rule.

The FAA also finds that this action is fully consistent with the obligations under 49 U.S.C. 40105(b)(1)(A) to ensure that the Administrator exercises his duties consistently with the obligations of the United States under international agreements.

B. Good Cause for Immediate Adoption

Section 553(b)(3)(B) of title 5, U.S. Code, authorizes agencies to dispense with notice and comment procedures for rules when the agency for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Because the continuing hazards to U.S. operators and airmen described in the Background section of this rule warrant an immediate reissuance of the flight restrictions imposed by SFAR No. 114, 14 CFR 91.1609, the FAA finds that notice and public comment under 5 U.S.C. 553(b)(3)(B), as well as any delay in the effective date of this rule, are impracticable and contrary to the public interest.

III. Background

The significant threat to U.S. civil aviation operating in the Damascus (OSTT) FIR, identified when the FAA first published SFAR No. 114, 14 CFR 91.1609,[1] continues due to the presence of anti-aircraft weapons controlled by non-state actors, threats made by extremist groups, de-confliction concerns, and ongoing military fighting. Flight safety risks associated with de-confliction between various military forces conducting operations in Syria and civil aviation, which were identified as a concern in the original prohibition, continue.

There are multiple extremist groups, known to be equipped with a variety of anti-aircraft weapons, including radar-guided surface-to-air missiles (SAMs) and man-portable air defense systems (MANPADs), which have the capability to threaten civil aircraft. Syrian and Russian military aircraft have been shot down during the course of the current conflict, and extremist groups have previously warned civilian air carriers against operating within (or providing service to) Syria. In 2015 and in support of the Assad regime, Russia began conducting military operations using fighter and bomber aircraft and employed advanced cruise missiles against targets in Syria. These operations further increase the risk to civil flight operations in the Damascus (OSTT) FIR. Due to the presence of various military forces and non-state actors operating in Syria, the FAA has determined that safety of flight continues to be a serious concern for U.S. civil aviation flight operations in the Damascus (OSTT) FIR.

The FAA continues to assess the situation in the Damascus (OSTT) FIR and believes there is a significant threat to U.S. civil aviation operating in the Damascus (OSTT) FIR at all altitudes due to the presence of anti-aircraft weapons controlled by non-state actors, threats made by extremist groups, de-confliction concerns, and ongoing military fighting. Although an extension of SFAR No. 114, 14 CFR 91.1609, was published on December 27, 2016, (81 FR 94958), the prohibition itself was inadvertently removed from the Code of Federal Regulations due to incorrect amendatory instructions regarding dates in the original SFAR No. 114, 14 CFR 91.1609. On January 4, 2017, the FAA issued Notice to Airmen (NOTAM) KICZ A0001/17 to continue the prohibition of certain flight operations in the Damascus (OSTT) FIR due to the continuing hazards to U.S. civil aviation operations therein. As previously described, the FAA issued this NOTAM pursuant to the Administrator's authorities under 49 U.S.C. 40113(a) and 46105(c).

Due to the continuation of the previously described hazards to U.S. civil aviation operations, the FAA is reissuing SFAR No. 114, 14 CFR 91.1609, to maintain the prohibition on flight operations in the Damascus (OSTT) FIR by all U.S. air carriers; U.S. commercial operators; persons

[1] 79 FR 78299, December 30, 2014.

exercising the privileges of an airman certificate issued by the FAA, except such persons operating a U.S.-registered aircraft for a foreign air carrier; and operators of U.S.-registered civil aircraft, except where the operator is a foreign air carrier. The FAA is also extending the expiration date of the SFAR until December 30, 2018.

The FAA will continue to actively monitor the situation and, based on evaluations, determine the extent to which U.S. civil operators may be able to safely operate in the Damascus (OSTT) FIR in the future. Amendments to this SFAR No. 114, 14 CFR 91.1609, may be appropriate if the risk to aviation safety and security changes. Thus, the FAA may amend or rescind this SFAR No. 114, 14 CFR 91.1609, as necessary, prior to its expiration date.

IV. Approval Process Based on a Request From a Department, Agency, or Instrumentality of the United States Government

If a department, agency, or instrumentality of the U.S. Government determines that it has a critical need to engage any person covered under SFAR No. 114, 14 CFR 91.1609, including a U.S. air carrier or a U.S. commercial operator, to conduct a charter to transport civilian or military passengers or cargo or other operations in the Damascus (OSTT) FIR, that department, agency, or instrumentality may request that the FAA approve persons covered under SFAR No. 114, 14 CFR 91.1609, to conduct such operations. An approval request must be made directly by the requesting department, agency or instrumentality of the U.S. Government to the FAA's Associate Administrator for Aviation Safety (AVS–1) in a letter signed by an appropriate senior official of the requesting department, agency, or instrumentality. Requests for approval submitted to the FAA by anyone other than the requesting department, agency, or instrumentality will not be accepted and will not be processed. In addition, the senior official signing the letter requesting FAA approval on behalf of the requesting department, agency, or instrumentality must be sufficiently highly placed within his or her organization to demonstrate that the senior leadership of the requesting department, agency, or instrumentality supports the request for approval and is committed to taking all necessary steps to minimize operational risks to the proposed flights. The senior official must also be in a position to: (1) Attest to the accuracy of all representations made to the FAA in the request for approval and (2) ensure that any support from the requesting U.S. Government department, agency, or instrumentality described in the request for approval is in fact brought to bear and is maintained over time. Unless justified by exigent circumstances, requests for approval must be submitted to the FAA no less than 30 calendar days before the date on which the requesting department, agency, or instrumentality wishes the proposed operations, if approved by the FAA, to commence.

The letter must be sent by the requesting department, agency, or instrumentality to the Associate Administrator for Aviation Safety (AVS–1), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Electronic submissions are acceptable, and the requesting entity may request that the FAA notify it electronically as to whether the approval request is granted. If a requestor wishes to make an electronic submission to the FAA, the requestor should contact the Air Transportation Division, Flight Standards Service, at (202) 267–8166 to obtain the appropriate email address. A single letter may request approval from the FAA for multiple persons covered under SFAR No. 114, 14 CFR 91.1609, and/or for multiple flight operations. To the extent known, the letter must identify the person(s) covered under the SFAR on whose behalf the U.S. Government department, agency, or instrumentality is seeking FAA approval, and it must describe—

- The proposed operation(s), including the nature of the mission being supported;
- The service to be provided by the person(s) covered by the SFAR;
- To the extent known, the specific locations in the Damascus (OSTT) FIR where the proposed operation(s) will be conducted, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the Damascus (OSTT) FIR and the airports, airfields and/or landing zones at which the aircraft will take-off and land; and
- The method by which the department, agency, or instrumentality will provide, or how the operator will otherwise obtain, current threat information and an explanation of how the operator will integrate this information into all phases of the proposed operations (*e.g.,* pre-mission planning and briefing, in-flight, and post-flight).

The request for approval must also include a list of operators with whom the U.S. Government department, agency, or instrumentality requesting FAA approval has a current contract(s), grant(s), or cooperative agreement(s) (or with whom its prime contractor has a subcontract(s)) for specific flight operations in the Damascus (OSTT) FIR. Additional operators may be identified to the FAA at any time after the FAA approval is issued. However, all additional operators must be identified to, and obtain an Operations Specification (OpSpec) or Letter of Authorization (LOA), as appropriate, from the FAA for operations in the Damascus (OSTT) FIR before such operators commence such operations. The revised approval conditions discussed below will apply to any such additional operators. Updated lists should be sent to the email address to be obtained from the Air Transportation Division by calling (202) 267–8166.

If an approval request includes classified information, requestors may contact Aviation Safety Inspectors Michael Filippell or Will Gonzalez for instructions on submitting it to the FAA. Their contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this final rule.

FAA approval of an operation under SFAR No. 114, 14 CFR 91.1609, does not relieve persons subject to this SFAR of their responsibility to comply with all applicable FAA rules and regulations. Operators of civil aircraft must also comply with the conditions of their certificate, OpSpecs, and LOAs, as applicable. Operators must further comply with all rules and regulations of other U.S. Government departments and agencies that may apply to the proposed operation(s), including, but not limited to, the Transportation Security Regulations issued by the Transportation Security Administration, Department of Homeland Security.

Approval Conditions

If the FAA approves the request, the FAA's Aviation Safety Organization (AVS) will send an approval letter to the requesting department, agency, or instrumentality informing it that the FAA's approval is subject to all of the following conditions:

(1) The approval will stipulate those procedures and conditions that limit, to the greatest degree possible, the risk to the operator, while still allowing the operator to achieve its operational objectives.

(2) Before any approval takes effect, the operator must submit to the FAA:

(a) A written release of the U.S. Government from all damages, claims, and liabilities, including without limitation legal fees and expenses; and

(b) the operator's agreement to indemnify the U.S. Government with respect to any and all third-party damages, claims, and liabilities,

including without limitation legal fees and expenses, relating to any event arising from or related to the approved operations in the Damascus (OSTT) FIR.

(3) Other conditions that the FAA may specify, including those that may be imposed in OpSpecs or LOAs, as applicable.

The release and agreement to indemnify do not preclude an operator from raising a claim under an applicable non-premium war risk insurance policy issued by the FAA under chapter 443 of title 49, United States Code.

If the proposed operations are approved, the FAA will issue an OpSpec or a LOA, as applicable, to the operator(s) identified in the department's, agency's or instrumentality's request authorizing the operator(s) to conduct such operations, and will notify the department, agency, or instrumentality that requested the FAA's approval of any additional conditions beyond those contained in the approval letter. The requesting department, agency, or instrumentality must have a contract, grant, or cooperative agreement (or its prime contractor must have a subcontract) with the person(s) described in paragraph (a) of this SFAR No. 114, 14 CFR 91.1609, on whose behalf the department, agency, or instrumentality requests FAA approval.

V. Petitions for Exemption

Any operations not conducted under an approval issued by the FAA in accordance with this SFAR No. 114, 14 CFR 91.1609, must be conducted under an exemption from SFAR No. 114, 14 CFR 91.1609. A request by any person covered under SFAR No. 114, 14 CFR 91.1609, for an exemption must comply with 14 CFR part 11, and will require exceptional circumstances beyond those contemplated by the approval process. In addition to the information required by 14 CFR 11.81, at a minimum, the requestor must describe in its submission to the FAA—

- The proposed operation(s), including the nature of the operation;
- The service to be provided by the person(s) covered by the SFAR;
- The specific locations in the Damascus (OSTT) FIR where the proposed operation(s) will be conducted, including, but not limited to, the flight path and altitude of the aircraft while it is operating in the Damascus (OSTT) FIR and the airports, airfields and/or landing zones at which the aircraft will take-off and land; and
- The method by which the operator will obtain current threat information, and an explanation of how the operator will integrate this information into all phases of its proposed operations (*e.g.,* the pre-mission planning and briefing, in-flight, and post-flight phases).

Additionally, the release and agreement to indemnify, as referred to previously, will be required as a condition of any exemption that may be issued under SFAR No. 114, 14 CFR 91.1609.

The FAA recognizes that operations that may be affected by SFAR No. 114, 14 CFR 91.1609, may be planned for the governments of other countries with the support of the U.S. Government. While these operations will not be permitted through the approval process, the FAA will process exemption requests for such operations on an expedited basis and prior to any private exemption requests.

VI. Regulatory Notices and Analyses

Changes to Federal regulations must undergo several economic analyses. First, Executive Orders 12866 and 13563 direct that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354), as codified in 5 U.S.C. 603 *et seq.,* requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39), as amended, 19 U.S.C. Chapter 13, prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, the Trade Agreements Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), as codified in 2 U.S.C. Chapter 25, requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this final rule.

In conducting these analyses, FAA has determined this final rule has benefits that justify its costs. This rule is a significant regulatory action as defined in section 3(f) of Executive Order 12866, as it raises novel policy issues contemplated under that Executive Order; further, this rule is ''significant'' as defined in DOT's Regulatory Policies and Procedures. This rule will not have a significant economic impact on a substantial number of small entities. This rule will not create unnecessary obstacles to the foreign commerce of the United States. This rule will not impose an unfunded mandate on State, local, or tribal governments, or on the private sector by exceeding the threshold identified above.

A. Regulatory Evaluation

Department of Transportation (DOT) Order 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits a statement to that effect and the basis for it to be included in the preamble if a full regulatory evaluation of the costs and benefits is not prepared. Such a determination has been made for this final rule. The reasoning for this determination follows.

For SFAR No. 114, 14 CFR 91.1609, the FAA determined that incremental costs were minimal for U.S. operators of large transport category airplanes (four part 121 operators and two part 125M operators), because they had voluntarily ended their overflights in March 2011, before the FAA's August 18, 2014, issuance of FDC NOTAM 4/4936, which prohibited U.S. operators and airmen from flying in the Damascus (OSTT) FIR. The FAA also determined that the incremental costs of SFAR No. 114 were minimal for about 15 ''on-demand'' large carriers (part 121 and part 121/135) and about 75 small ''on-demand'' operators (parts 135, 125, 125M, and 91K). These operators had previously flown into and out of Syria or conducted overflights in the Damascus (OSTT) FIR. However, because of sanctions imposed by the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) and the ongoing conflict, the FAA believed that few, if any, of these ''on-demand'' operators were still operating in the OSTT FIR immediately before the FAA issued FDC NOTAM 4/4936.

Due to significant and increased hostilities, and because the OFAC sanctions remain in place, the reasons for the FAA's previous finding of minimal cost for SFAR No. 114, 14 CFR 91.1609, remain unchanged. Therefore, the FAA finds that the incremental cost of reissuing SFAR No. 114, 14 CFR 91.1609 will be minimal.

B. Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354, ''RFA''), 5 U.S.C. 601

et seq., establishes ''as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration.'' The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA. However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis will not be required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

Prior to the hostilities leading to the earlier published SFAR No. 114, 14 CFR 91.1609, there were many small entities conducting operations through the Damascus (OSTT) FIR. After the FAA initially published SFAR No. 114, 14 CFR 91.1609, the FAA received no requests for approval or petitions for exemption to allow persons subject to the SFAR to conduct flight operations in the Damascus (OSTT) FIR. Given no requests have occurred, the FAA believes the earlier determination of minimal cost is accurate. Thus reissuing the flight prohibition will not impose a significant economic impact. Therefore, as provided in section 605(b), the head of the FAA certifies that this rulemaking will not result in a significant economic impact on a substantial number of small entities.

C. International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended, prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to this Act, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such as the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the effect of this final rule and determined that its purpose is to protect the safety of U.S. civil aviation from hazards outside the U.S. Therefore, the rule is in compliance with the Trade Agreements Act.

D. Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.'' The FAA currently uses an inflation-adjusted value of $155.0 million in lieu of $100 million.

This final rule does not contain such a mandate. Therefore, the requirements of Title II of the Act do not apply.

E. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (Pub. L. 104–13) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there is no new requirement for information collection associated with this final rule.

F. International Compatibility and Cooperation

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to this regulation.

While the FAA's flight prohibition does not apply to foreign air carriers, DOT codeshare authorizations prohibit foreign air carriers from carrying a U.S. codeshare partner's code on a flight segment that operates in airspace for which the FAA has issued a flight prohibition. Further, following the downing of Malaysia Airlines Flight 17, there is increased attention in the international community and ICAO to conflict-related threats to civil aircraft. Foreign air carriers and other foreign operators may choose to avoid, or be advised/directed by their civil aviation authorities to avoid, airspace for which the FAA has issued a flight prohibition.

G. Environmental Analysis

The FAA has analyzed this action under Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (44 FR 1957, January 4, 1979), and DOT Order 5610.1C, Paragraph 16. Executive Order 12114 requires the FAA to be informed of environmental considerations and take those considerations into account when making decisions on major Federal actions that could have environmental impacts anywhere beyond the borders of the United States. The FAA has determined that this action is exempt pursuant to Section 2–5(a)(i) of Executive Order 12114, because it does not have the potential for a significant effect on the environment outside the United States.

In accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 8–6(c), FAA has prepared a memorandum for the record stating the reason for this determination, which has been placed in the docket for this rulemaking.

VII. Executive Order Determinations

A. Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The agency has determined that this action will not have a substantial direct effect on the States, or the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, does not have Federalism implications.

B. Executive Order 13211, Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA analyzed this immediately adopted final rule under Executive Order 13211, ''Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use'' (May 18, 2001). The agency has determined that it is not a ''significant energy action'' under the executive order, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

C. Executive Order 13609, Promoting International Regulatory Cooperation

Executive Order 13609, Promoting International Regulatory Cooperation,

(77 FR 26413, May 4, 2012) promotes international regulatory cooperation to meet shared challenges involving health, safety, labor, security, environmental, and other issues and to reduce, eliminate, or prevent unnecessary differences in regulatory requirements. The FAA has analyzed this action under the policies and agency responsibilities of Executive Order 13609, and has determined that this action would have no effect on international regulatory cooperation.

D. Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

This rule is not subject to the requirements of EO 13771 (82 FR 9339, February 3, 2017) because it is issued with respect to a national security function of the United States.

VIII. Additional Information

A. Availability of Rulemaking Documents

An electronic copy of a rulemaking document may be obtained by using the Internet—

- Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);
- Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies* or
- Accessing the Government Publishing Office's Web page at *http://www.fdsys.gov*.

Copies may also be obtained by sending a request (identified by docket or amendment number of the rule) to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9677.

Except for classified material, all documents the FAA considered in developing this rule, including economic analyses and technical reports, may be accessed from the Internet through the Federal eRulemaking Portal referenced above.

B. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. A small entity with questions regarding this document may contact its local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** section at the beginning of the preamble. You can find out more about SBREFA on the Internet at: *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/*.

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Syria.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of Title 14, Code of Federal Regulations, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 1155, 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 2. In part 91, subpart M, add § 91.1609 to read as follows:

§ 91.1609 Special Federal Aviation Regulation No. 114—Prohibition Against Certain Flights in the Damascus (OSTT) Flight Information Region (FIR).

(a) *Applicability.* This section applies to the following persons:

(1) All U.S. air carriers and U.S. commercial operators;

(2) All persons exercising the privileges of an airman certificate issued by the FAA, except such persons operating U.S.-registered aircraft for a foreign air carrier; and

(3) All operators of civil aircraft registered in the United States, except where the operator of such aircraft is a foreign air carrier.

(b) *Flight prohibition.* No person may conduct flight operations in the Damascus (OSTT) Flight Information Region (FIR), except as provided in paragraphs (c) and (d) of this section.

(c) *Permitted operations.* This section does not prohibit persons described in paragraph (a) from conducting flight operations in the Damascus (OSTT) FIR, provided that such flight operations are conducted under a contract, grant, or cooperative agreement with a department, agency, or instrumentality of the U.S. government (or under a subcontract between the prime contractor of the department, agency, or instrumentality, and the person described in paragraph (a)), with the approval of the FAA, or under an exemption issued by the FAA. The FAA will process requests for approval or exemption in a timely manner, with the order of preference being: first, for those operations in support of U.S. government-sponsored activities; second, for those operations in support of government-sponsored activities of a foreign country with the support of a U.S. government department, agency, or instrumentality; and third, for all other operations.

(d) *Emergency situations.* In an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft may deviate from this section to the extent required by that emergency. Except for U.S. air carriers and commercial operators that are subject to the requirements of part 119, 121, 125, or 135 of this chapter, each person who deviates from this section must, within 10 days of the deviation, excluding Saturdays, Sundays, and Federal holidays, submit to the nearest FAA Flight Standards District Office (FSDO) a complete report of the operations of the aircraft involved in the deviation, including a description of the deviation and the reasons for it.

(e) *Expiration.* This SFAR will remain in effect until December 30, 2018. The FAA may amend, rescind, or extend this SFAR No. 114, § 91.1609, as necessary.

Issued under authority provided by 49 U.S.C. 106(f) and (g), 40101(d)(1), 40105(b)(1)(A), and 44701(a)(5), in Washington, DC, on August 14, 2017.

Michael P. Huerta,

Administrator.

[FR Doc. 2017–18322 Filed 8–28–17; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2013–0167; FRL–9965–62–Region 6]

Approval and Promulgation of Implementation Plans; Louisiana; Volatile Organic Compounds Rule Revision and Stage II Vapor Recovery

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or the Act), the Environmental Protection Agency (EPA) is approving revisions submitted by the State of Louisiana controlling emissions of volatile organic compounds (VOCs) and changes to the Stage II gasoline vapor recovery rule as part of the Louisiana State Implementation Plan (SIP).

DATES: This rule is effective on September 28, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2013–0167. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Wendy Jacques, (214) 665–7395, *jacques.wendy@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' and ''our'' means the EPA.

I. Background

The background for this action is discussed in detail in our March 23, 2017, proposal (82 FR 14845). In that document we proposed to approve revisions submitted by the State of Louisiana controlling emissions of volatile organic compounds (VOCs) and changes to the Stage II gasoline vapor recovery rule as part of the Louisiana State Implementation Plan (SIP).

We received comments on the proposal. Our response to the comments are below.

II. Response to Comments

Comment: We received three comments opposing our SIP revision. The commenters expressed concerns that our approval would make air quality worse.

Response: As discussed in our proposal and technical support document we do not believe our approval would worsen air quality. Under CAA section 110(l) we can approve a SIP revision if it would not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement under the CAA.

Consequently, the SIP-approved Stage II vapor recovery programs cannot be revised or removed unless it is demonstrated that revision or removal of such program from the SIP would not interfere with any applicable requirement under the CAA. While Louisiana's submittal is not requesting the withdrawal of its Stage II rule for these parishes, this SIP revision is requesting revisions to Louisiana's Stage II requirements, and thus this revision must be shown to satisfy 110(l) of the CAA. We evaluated the SIP revision and found that it satisfies 110(l) of the CAA.

Stage II refers to vapor recovery systems on gasoline dispensing equipment for the control of emissions during the refueling of vehicles. This SIP revision provides an exemption to gasoline dispensing systems that service solely vehicles equipped with onboard refueling vapor recovery (ORVR) and is approvable because this is an equivalent vapor recovery system. In order for a system to meet ORVR requirements, the systems must demonstrate a 95 percent or greater VOC control efficiency, equivalent to the control achieved by a Stage II system; thus, there will be no increase in emissions as a result of this SIP revision. During the phase-in of ORVR controls, which began in 1997, Stage II vapor recovery has provided VOC reductions in ozone nonattainment areas and certain attainment areas of the OTR. As more vehicles equipped with ORVR became part of the fleet, Congress recognized that Stage II would eventually become a largely redundant technology, and provided authority to the EPA to allow States to substitute Stage II with ORVR in their SIPs after EPA finds that ORVR is in widespread use in the applicable area. EPA made the determination on May 16, 2012 that there was widespread use throughout the country (77 FR 28772). A detailed discussion of this guidance and the 110(l) demonstration is provided in the TSD. A copy of this memo is included in the docket.

Comment: EPA should not be repealed (*sic*) or defunded.

Response: The subject matter of this rulemaking is the control of volatile organic compounds (VOCs) emissions and changes to the Stage II gasoline vapor recovery rule as part of the Louisiana State Implementation Plan (SIP). The funding of EPA is outside the scope of this rulemaking.

III. Final Action

We are approving, into the Louisiana SIP, rule revisions to Louisiana Administrative Code Title 33 Environmental Quality Part III, chapters 1, 21, 22 and 25 in the 2008–2010 VOC Rule revisions submittal and chapter 21 in the 2011–2013 Permit Rule revisions submittal.

IV. Incorporation by Reference

In this rule, we are finalizing regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, we are finalizing the incorporation by reference of the revisions to the Louisiana regulations as described in the Final Action section above. We have made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the EPA Region 6 office.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible

methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 30, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 17, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart T—Louisiana

■ 2. In § 52.970(c), the table titled ''EPA Approved Regulations in the Louisiana SIP'' is amended by:

■ a. Revising the entry for Section 111 and the entries under Chapter 7.

■ b. Removing the entries for Sections 919–919.A.6, 919.B.1, 919.B.2–919.B.5.g.v, 919.C, and 919.D.–F.

■ c. Adding entries in sequential order for Sections 1101, 1109, and 2103.

■ d. Removing the entries for Sections 2103.A–2103.B, 2103.C–2103.D.4, 2103.D.4.a, 2103.D.4.b.–2103.D.4.d, 2103.G.1–2103.G.2, 2103.G.3–2103.G.5, 2103.H.2.a.–d, 2103.H.3, 2103.I.6, 2103.I.7, 2107.E.1.–2, 2108.A, 2108.C.2.–2108.C.3, 2108.D.4, 2108.E.1.a.i.–ii. and E.1.b, 2108.E.2, 2108.E.3. and E.5, and 2108.F.1.

■ e. Adding entries in sequential order for Sections 2017 and 2018.

■ f. Revising the entry for Section 2121.A; the entry for Subchapter C of Chapter 21; the entries under Subchapters F, I, and J of Chapter 21; the entries under Chapter 22; and the entry for Chapter 25.

The revisions and additions read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP

State citation	Title/subject	State approval date	EPA approval date	Comments
*	*	*	*	*
Chapter 1—General Provisions				
*	*	*	*	*
Section 111	Definitions	1/20/2008	8/29/2017, [Insert **Federal Register** citation].	
*	*	*	*	*
Chapter 7—Ambient Air Quality				
Section 701	Purpose	03/20/08	01/28/16, 81 FR 4891	
Section 703	Scope	03/20/08	01/28/16, 81 FR 4891	
Section 705	Standards: Description of Ambient Air Quality Standards.	Dec. 1987, LR13:741	03/08/89, 54 FR 09795	Ref 52.999(c)(49).
Section 707	Degradation of Ambient Air Having Higher Quality than Set Forth in these Sections Restricted.	Dec. 1987, LR13:741	03/08/89, 54 FR 09795	Ref 52.999(c)(49).
Section 709	Measurement of Concentrations PM_{10}, SO_2, CO, Atmospheric Oxidants, NO_X, and Pb.	9/20/2006	7/05/2011, 76 FR 38977	Ref 52.999(c)(50).
Section 711	Tables 1, 1a, and 2—Air Quality.	9/20/2006	7/05/2011, 76 FR 38977	$PM_{2.5}$ and PM_{10} standards.

EPA-APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP—Continued

State citation	Title/subject	State approval date	EPA approval date		Comments
*	*	*	*	*	*
Chapter 11—Control of Emissions From Smoke					
Section 1101	Control of Air Pollution from Smoke: Purpose and Control of Smoke.	Dec. 1987, LR13:741	03/08/89, 54 FR 09795		Ref 52.999(c)(49).
*	*	*	*	*	*
Section 1109	Stack Heights	Dec. 1987, LR13:741	03/08/89, 54 FR 09795		Ref 52.999(c)(49).
*	*	*	*	*	*
Chapter 21—Control of Emissions of Organic Compounds					
*	*	*	*	*	*
Section 2103	Storage of Volatile Organic Compounds.	10/20/2010	8/29/2017, [Insert **Register** citation].	**Federal**	2103.E.3 is not included in the SIP.
*	*	*	*	*	*
Section 2107	Volatile Organic Compounds—Loading.	9/20/2008	8/29/2017, [Insert **Register** citation].	**Federal**	E.1.b., E.1.d. and E.1.e. have not been submitted for approval into the SIP.
Section 2108	Marine Vapor Recovery	9/20/2008	8/29/2017, [Insert **Register** citation].	**Federal**	
*	*	*	*	*	*
Section 2121.A	Fugitive Emission Control	1/20/2008	8/29/2017, [Insert **Register** citation].	**Federal**	
*	*	*	*	*	*
Subchapter C Solvent Degreasers					
Section 2125	Solvent Degreasers	1/20/2008	8/29/2017, [Insert **Register** citation].	**Federal**	
*	*	*	*	*	*
Subchapter F Gasoline Handling					
Section 2131	Filling of Gasoline Storage Vessels.	7/20/2010	8/29/2017, [Insert **Register** citation].	**Federal**	
Section 2132	Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities.	4/20/2011	8/29/2017, [Insert **Register** citation].	**Federal**	This rule is approved for fueling/refueling of only 100% ORVR vehicles.
*	*	*	*	*	*
Subchapter I Pharmaceutical Manufacturing Facilities					
Section 2145	Pharmaceutical Manufacturing Facilities.	1/20/2008	8/29/2017, [Insert **Register** citation].	**Federal**	
Subchapter J Limiting Volatile Organic Compound (VOC) Emissions From Reactor Processes and Distillation Operations in the Synthetic Organic Chemical Manufacturing Industry (SOCMI)					
Section 2147	Limiting VOC Emissions from SOCMI Reactor Processes and Distillation Operations.	1/20/2008	8/29/2017, [Insert **Register** citation].	**Federal**	
*	*	*	*	*	*
Chapter 22—Control of Emissions of Nitrogen Oxides (NO_X)					
Section 2201	Affected Facilities in the Baton Rouge Nonattainment Area and the Region of Influence.	1/20/2008	8/29/2017, [Insert **Register** citation].	**Federal**	

EPA-APPROVED LOUISIANA REGULATIONS IN THE LOUISIANA SIP—Continued

State citation	Title/subject	State approval date	EPA approval date	Comments
Section 2202	Contingency Plan	1/20/2010	11/30/11, 76 FR 74000	Section 2202 approved in the Louisiana Register January 20, 2010 (LR 36:63).
*	*	*	*	*
Chapter 25—Miscellaneous Incinerator Rules				
Section 2511	Standards of Performance for Biomedical Waste Incinerators.	1/20/2008	8/29/2017, [Insert **Federal Register** citation].	
Section 2521	Refuse Incinerators	1/20/2008	8/29/2017, [Insert **Federal Register** citation].	
Section 2531	Standards of Performance for Crematories.	1/20/2008	8/29/2017, [Insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2017–17844 Filed 8–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R04–OAR–2017–0085; FRL–9966–92–Region 4]

Air Plan Approval and Air Quality Designation; TN; Redesignation of the Knoxville 1997 Annual $PM_{2.5}$ Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On December 20, 2016, Tennessee, through the Tennessee Department of Environment and Conservation (TDEC), submitted a request for the Environmental Protection Agency (EPA) to redesignate the Knoxville, Tennessee fine particulate matter ($PM_{2.5}$) nonattainment area (hereinafter referred to as the ''Knoxville Area'' or ''Area'') to attainment for the 1997 Annual $PM_{2.5}$ national ambient air quality standards (NAAQS) and to approve a state implementation plan (SIP) revision containing a maintenance plan, a reasonably available control measures (RACM) determination, and source-specific requirements for the Area. EPA is approving Tennessee's RACM determination for the Knoxville Area and incorporating it into the SIP; incorporating source-specific requirements for two sources in the Area into the SIP; determining that the Knoxville Area is attaining the 1997 Annual $PM_{2.5}$ NAAQS based on 2013–2015 data; approving Tennessee's plan for maintaining the 1997 Annual $PM_{2.5}$ NAAQS for the Knoxville Area (maintenance plan), including the associated motor vehicle emission budgets (MVEBs) for nitrogen oxides (NO_X) and direct $PM_{2.5}$ for the years 2014 and 2028, and incorporating it into the SIP; and redesignating the Knoxville Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS.

DATES: This rule will be effective August 29, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2017–0085. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Sean Lakeman of the Air Regulatory Management Section, in the Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. Sean Lakeman may be reached by phone at (404) 562–9043, or via electronic mail at *lakeman.sean@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On July 18, 1997, EPA promulgated the first air quality standards for $PM_{2.5}$. EPA promulgated an annual standard at a level of 15.0 micrograms per cubic meter (μg/m³), based on a 3-year average of annual mean $PM_{2.5}$ concentrations. In the same rulemaking, EPA promulgated a 24-hour standard of 65 μg/m³, based on a 3-year average of the 98th percentile of 24-hour concentrations. On October 17, 2006 (71 FR 61144), EPA retained the annual average NAAQS at 15.0 μg/m³ but revised the 24-hour NAAQS to 35 μg/m³, based again on the 3-year average of the 98th percentile of 24-hour concentrations.

On January 5, 2005, at 70 FR 944, and supplemented on April 14, 2005, at 70 FR 19844, EPA designated the Knoxville Area as nonattainment for the 1997 Annual $PM_{2.5}$ NAAQS. All 1997 $PM_{2.5}$ NAAQS areas were designated under title I, part D, subpart 1 (hereinafter ''Subpart 1''). Subpart 1 contains the general requirements for nonattainment areas for any pollutant governed by a NAAQS and is less prescriptive than the other subparts of title I, part D. On April 25, 2007 (72 FR 20586), EPA promulgated its Clean Air Fine Particle Implementation Rule, codified at 40

CFR part 51, subpart Z, in which the Agency provided guidance for state and tribal plans to implement the 1997 $PM_{2.5}$ NAAQS. The United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) remanded the Clean Air Fine Particle Implementation Rule and the final rule entitled ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)'' (73 FR 28321, May 16, 2008) (collectively, ''1997 $PM_{2.5}$ Implementation Rules'') to EPA on January 4, 2013, in *Natural Resources Defense Council* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013). The Court found that EPA erred in implementing the 1997 $PM_{2.5}$ NAAQS pursuant to the general implementation provisions of Subpart 1, rather than the particulate matter-specific provisions of title I, part D, subpart 4 (hereinafter ''Subpart 4'').

On June 2, 2014, EPA published a rule entitled ''Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) and 2006 $PM_{2.5}$ NAAQS''. *See* 79 FR 31566. In that rule, the Agency responded to the D.C. Circuit's January 2013 decision by identifying all $PM_{2.5}$ nonattainment areas for the 1997 and 2006 $PM_{2.5}$ NAAQS as ''moderate'' nonattainment areas under Subpart 4, and by establishing a new SIP submission date of December 31, 2014, for moderate area attainment plans and for any additional attainment-related or nonattainment new source review plans necessary for areas to comply with the requirements applicable under Subpart 4. *Id.* at 31567–70.

Based on its moderate nonattainment area classification, Tennessee was required to submit a SIP revision addressing RACM pursuant to CAA section 172(c)(1) and section 189(a)(1)(C) for the Area. Although EPA does not believe that section 172(c)(1) and section 189(a)(1)(C) RACM must be approved into a SIP prior to redesignation of an area to attainment once that area is attaining the NAAQS, EPA is approving Tennessee's RACM determination and incorporating it into its SIP pursuant to a recent decision by the United States Court of Appeals for the Sixth Circuit in *Sierra Club* v. *EPA,* 793 F.3d 656 (6th Cir. 2015).

In a notice of proposed rulemaking (NPRM) published on May 30, 2017 (82 FR 24636), EPA proposed to: (1) Approve Tennessee's RACM determination for the Knoxville Area pursuant to CAA sections 172(c)(1) and 189(a)(1)(C) and incorporate it into the SIP; (2) determine that the Knoxville Area is attaining the 1997 Annual $PM_{2.5}$ NAAQS based on 2013–2015 air quality data; (3) approve Tennessee's maintenance plan for the Knoxville Area, including the 2014 and 2028 MVEBs for $PM_{2.5}$ and NO_X, and incorporate it into the SIP; (4) incorporate source-specific requirements for two sources located in the Area—the Tennessee Valley Authority (TVA) Bull Run Fossil Plant and TVA Kingston Fossil Plant—into the SIP; and (5) redesignate the Knoxville Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS.[1] The details of Tennessee's submittal and the rationale for EPA's actions are further explained in the NPRM. EPA did not receive any adverse comments on the proposed action.

II. What are the effects of these actions?

EPA's approval changes the legal designation of Anderson, Blount, Knox, and Loudon Counties and a portion of Roane County for the 1997 Annual $PM_{2.5}$ NAAQS, found at 40 CFR part 81, from nonattainment to attainment. Approval of Tennessee's associated SIP revision also incorporates a plan for maintaining the 1997 Annual $PM_{2.5}$ NAAQS in the Area through 2028, Tennessee's RACM determination, and source-specific requirements for two sources in the Area into the Tennessee SIP. The maintenance plan includes contingency measures to remedy any future violations of the 1997 Annual $PM_{2.5}$ NAAQS and procedures for evaluation of potential violations. The maintenance plan also includes NO_X and $PM_{2.5}$ MVEBs for 2014 and 2028 for the Knoxville Area. The 2014 and 2028 $PM_{2.5}$ MVEBs are 444.78 tons per year (tpy) and 245.00 tpy, respectively. The 2014 and 2028 NO_X MVEBs are 15,597.73 tpy and 7,171.14 tpy, respectively.

In the Fine Particulate Matter National Ambient Air Quality Standards: State Implementation Plan Requirements final rule ($PM_{2.5}$ SIP Requirements Rule), EPA revoked the 1997 primary Annual $PM_{2.5}$ NAAQS in areas that had always been attainment for that NAAQS, and in areas that had been designated as nonattainment but that were redesignated to attainment before October 24, 2016, the rule's effective date. *See* 81 FR 58010 (August 24, 2016). EPA also finalized a provision that revokes the 1997 primary Annual $PM_{2.5}$ NAAQS in areas that are redesignated to attainment for that NAAQS after October 24, 2016, effective on the effective date of the redesignation of the area to attainment for that NAAQS. *See* 40 CFR 50.13(d).

EPA is finalizing the redesignation of the Knoxville Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS and finalizing the approval of the CAA section 175A maintenance plan for the 1997 primary Annual $PM_{2.5}$ NAAQS.[2] Therefore, the 1997 primary Annual $PM_{2.5}$ NAAQS will be revoked in the Knoxville Area on the effective date of this redesignation, August 29, 2017. Beginning on that date, the Area will no longer be subject to transportation or general conformity requirements for the 1997 Annual $PM_{2.5}$ NAAQS due to the revocation of the primary NAAQS. *See* 81 FR 58125 (August 24, 2016). The Area is required to implement the CAA section 175A maintenance plan for the 1997 primary Annual $PM_{2.5}$ NAAQS that is being approved in this action and the prevention of significant deterioration program for the 1997 Annual $PM_{2.5}$ NAAQS. The approved maintenance plan can only be revised if the revision meets the requirements of CAA section 110(l) and, if applicable, CAA section 193. The Area is not required to submit a second 10-year maintenance plan for the 1997 primary Annual $PM_{2.5}$ NAAQS. *See* 81 FR 58144 (August 24, 2016).

III. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the following Title V permit limits and conditions in Appendix L of Tennessee's December 20, 2016 SIP revision, state effective on December 20, 2016: Permit conditions E3–4(a), (d), and (e), E3–15, and E3–16 for the TVA Kingston Fossil Plant, and permit conditions E3–4(a), (d), and (e), E3–15, and E3–16 for the TVA Bull Run Fossil Plant. Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of

[1] In a notice published in the **Federal Register** on March 10, 2017, EPA announced that it had found the MVEBs for the Knoxville Area for the 1997 Annual $PM_{2.5}$ NAAQS adequate for transportation conformity purposes. *See* 82 FR 13337.

[2] CAA section 175A(a) establishes the maintenance plan requirements that must be fulfilled by nonattainment areas in order to be redesignated to attainment. That section only requires that nonattainment areas for the *primary* standard submit a plan addressing maintenance of the *primary* NAAQS in order to be redesignated to attainment; it does not require nonattainment areas for secondary NAAQS to submit maintenance plans in order to be redesignated to attainment. *See* 42 U.S.C. 7505a(a).

the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[3] EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and/or at the EPA Region 4 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT SECTION** of this preamble for more information).

IV. Final Actions

EPA is taking the following final actions: (1) Approving Tennessee's RACM determination for the Knoxville Area pursuant to CAA sections 172(c)(1) and 189(a)(1)(C) and incorporating it into the SIP; (2) determining that the Area is attaining the 1997 Annual $PM_{2.5}$ NAAQS based on 2013–2015 data; (3) approving Tennessee's plan for maintaining the 1997 Annual $PM_{2.5}$ NAAQS (maintenance plan), including the associated 2014 and 2028 MVEBs for the Knoxville Area, and incorporating it into the Tennessee SIP; (4) incorporating source-specific requirements for two sources in the Area into the SIP; and (5) redesignating the Knoxville Area to attainment for the 1997 Annual $PM_{2.5}$ NAAQS.

Approval of the redesignation request changes the official designation of Anderson, Blount, Knox, and Loudon Counties and a portion of Roane County for the 1997 Annual $PM_{2.5}$ NAAQS, found at 40 CFR part 81 from nonattainment to attainment.

As mentioned above, the $PM_{2.5}$ SIP Requirements Rule provides that the 1997 $PM_{2.5}$ NAAQS will be revoked for any area that is redesignated for the NAAQS upon the effective date of the redesignation. Therefore, the 1997 primary Annual $PM_{2.5}$ NAAQS is revoked for the Knoxville Area on the effective date of this redesignation.

EPA has determined that these actions are effective immediately upon publication under the authority of 5 U.S.C. 553(d). The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Section 553(d)(3) allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' EPA finds good cause to make these actions effective immediately pursuant to section 553(d)(3) because they do not create any new regulatory requirements such that affected parties would need time to prepare before the actions take effect. The RACM determination does not create any new regulatory requirements because it concludes that no additional measures are necessary to meet the State's obligations to have fully adopted RACM; incorporating the aforementioned Title V permit terms and conditions for the TVA Bull Run Fossil Plant and the TVA Kingston Fossil Plant into the SIP does not create any new regulatory requirements because these sources were subject, and remain subject, to these terms and conditions through their Title V permits; and redesignating the Area to attainment, including the associated determination of attainment and maintenance plan approval, relieves the Area from certain CAA requirements that would otherwise apply to it. Because the redesignation relieves the Area from requirements, its immediate effective date is also authorized under section 553(d)(1) which allows an effective date less than 30 days after publication if a substantive rule ''relieves a restriction.''

V. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. *See* 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, these actions merely approve state law as meeting federal requirements and do not impose additional requirements beyond those imposed by state law. For that reason, these actions:

- Are not significant regulatory actions subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January, 21, 2011);
- Do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Are not economically significant regulatory actions based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Are not significant regulatory actions subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Are not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Will not have disproportionate human health or environmental effects under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it impose substantial direct costs of tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 30, 2017. Filing a

[3] 62 FR 27968 (May 22, 1997).

petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

40 CFR Part 81

Environmental protection, Air pollution control.

Dated: August 16, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR parts 52 and 81 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart RR—Tennessee

■ 2. In § 52.2220:

■ a. The table in paragraph (d) is amended by adding the entries ''TVA Bull Run Fossil Plant'' and ''TVA Kingston Fossil Plant'' at the end of the table.

■ b. The table in paragraph (e) is amended by adding the entries ''1997 Annual $PM_{2.5}$ Maintenance Plan for the Knoxville Area'' and ''RACM determination for the Knoxville Area for the 1997 Annual $PM_{2.5}$ NAAQS'' at the end of the table.

The additions read as follows:

§ 52.2220 Identification of plan.

* * * * *

(d) * * *

EPA-APPROVED TENNESSEE SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Explanation
*	*	*	*	*
TVA Bull Run Fossil Plant	n/a	12/20/2016	8/29/2017, [insert **Federal Register** citation].	Title V permit limits and conditions E3–4(a), (d), and (e), E3–15, and E3–16 in Appendix L of Tennessee's December 20, 2016 SIP revision.
TVA Kingston Fossil Plant	n/a	12/20/2016	8/29/2017, [insert **Federal Register** citation].	Title V permit limits and conditions E3–4(a), (d), and (e), E3–15, and E3–16 in Appendix L of Tennessee's December 20, 2016 SIP revision.

(e) * * *

EPA-APPROVED TENNESSEE NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State effective date	EPA approval date	Explanation
*	*	*	*	*
1997 Annual $PM_{2.5}$ Maintenance Plan for the Knoxville Area.	Anderson, Blount, Knox, and Loudon Counties and a portion of Roane County (the area described by U.S. Census 2000 block group identifier 47–145–0307–2.).	12/20/2016	8/29/2017, [insert **Federal Register** citation].	
RACM determination for the Knoxville Area for the 1997 Annual $PM_{2.5}$ NAAQS.	Anderson, Blount, Knox, and Loudon Counties and a portion of Roane County (the area described by U.S. Census 2000 block group identifier 47–145–0307–2.).	12/20/2016	8/29/2017, [insert **Federal Register** citation].	

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 4. In § 81.343, the table entitled ''Tennessee—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary]'' is amended by revising the entry ''Knoxville, TN:'' to read as follows:

§ 81.343 Tennessee.

* * * * *

TENNESSEE—1997 ANNUAL $PM_{2.5}$ NAAQS

[Primary and secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
* * * *	*		*	*
Knoxville, TN	8/29/2017	Attainment.		
Anderson County		Attainment.		
Blount County		Attainment.		
Knox County		Attainment.		
Loudon County		Attainment.		
Roane County (part)		Attainment.		
The area described by U.S. Census 2000 block group identifier 47–145–0307–2.				
* * * *	*		*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.
[2] This date is July 2, 2014, unless otherwise noted.

* * * * *

[FR Doc. 2017–18213 Filed 8–28–17; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 105–70

[FPMR Case 2016–101–1; Docket No. 2016–0009; Sequence No. 1]

RIN 3090–AJ70

Program Fraud Civil Remedies Act of 1986, Civil Monetary Penalties Inflation Adjustment

AGENCY: Office of General Counsel, General Services Administration.

ACTION: Final rule.

SUMMARY: In accordance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvement Act of 2015, this final rule incorporates the penalty inflation adjustments for the civil monetary penalties set forth in the United States Code, as codified in our regulations.

DATES: *Effective:* September 28, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Pound, Assistant General Counsel, General Law Division (LG), General Services Administration, 1800 F Street NW., Washington, DC 20405. Telephone Number 202–501–1460.

SUPPLEMENTARY INFORMATION:

I. The Debt Collection Improvement Act of 1996

To maintain the remedial impact of civil monetary penalties (CMPs) and to promote compliance with the law, the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101–410) was amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104–134) to require Federal agencies to regularly adjust certain CMPs for inflation and further amended by the Federal Civil Penalties Inflation Adjustment Act Improvement Act of 2015 (Sec. 701 of Pub. L. 114–74). As amended, the law requires each agency to make an initial inflationary adjustment for all applicable CMPs, and to make further adjustments at least once every year thereafter for these penalty amounts. The Debt Collection Improvement Act of 1996 further stipulates that any resulting increases in a CMP due to the calculated inflation adjustments shall apply only to violations which occur after the date the increase takes effect, *i.e.,* thirty (30) days after date of publication in the **Federal Register**. Pursuant to the 2015 Act, agencies are required to adjust the level of the CMP with an initial ''catch up'', and make subsequent annual adjustments for inflation. Catch up adjustments are based on the percent change between the Consumer Price Index for Urban Consumers (CPI–U) for the month of October for the year of the previous adjustment, and the October 2015 CPI–U. Annual inflation adjustments will be based on the percent change between the October CPI–U preceding the date of adjustment and the prior year's October CPI–U.

II. The Program Fraud Civil Remedies Act of 1986

In 1986, sections 6103 and 6104 of the Omnibus Budget Reconciliation Act of 1986 (Pub. L. 99–501) set forth the Program Fraud Civil Remedies Act of 1986 (PFCRA). Specifically, this statute imposes a CMP and an assessment against any person who, with knowledge or reason to know, makes, submits, or presents a false, fictitious, or fraudulent claim or statement to the Government. The General Services Administration's regulations, published in the **Federal Register** (61 FR 246, December 20, 1996) and codified at 41 CFR part 105–70, set forth a CMP of up to $5,500 for each false claim or statement made to the agency. Based on the penalty amount inflation factor calculation, derived from dividing the June 2015 CPI by the June 1996 CPI, after rounding we are adjusting the maximum penalty amount for this CMP to $10,781 per violation.

III. Waiver of Proposed Rulemaking

In developing this final rule, we are waiving the usual notice of proposed rulemaking and public comment procedures set forth in the

Administrative Procedure Act, 5 U.S.C. 553 (APA). The APA provides an exception to the notice and comment procedures when an agency finds there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary or contrary to the public interest. We have determined that under 5 U.S.C. 553(b)(3)(B) good cause exists for dispensing with the notice of proposed rulemaking and public comment procedures for this rule. Specifically, this rulemaking comports and is consistent with the statutory authority set forth in the Debt Collection Improvement Act of 1996, with no issues of policy discretion. Accordingly, we believe that opportunity for prior comment is unnecessary and contrary to the public interest, and we are issuing these revised regulations as a final rule that will apply to all future cases under this authority.

IV. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is a not significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

The Office of Management and Budget (OMB) has reviewed this final rule in accordance with the provisions of E.O. 12866 and has determined that it does not meet the criteria for a significant regulatory action. As indicated above, the provisions contained in this final rulemaking set forth the inflation adjustments in compliance with the Debt Collection Improvement Act of 1996 for specific applicable CMPs. The great majority of individuals, organizations and entities addressed through these regulations do not engage in such prohibited conduct, and as a result, we believe that any aggregate economic impact of these revised regulations will be minimal, affecting only those limited few who may engage in prohibited conduct in violation of the statute. As such, this final rule and the inflation adjustment contained therein should have no effect on Federal or state expenditures.

V. Regulatory Flexibility Act

The Administrator of General Services certifies that this final rule will not have a significant economic impact on a substantial number of small business entities. While some penalties may have an impact on small business entities, it is the nature of the violation and not the size of the entity that will result in an action by the agency, and the aggregate economic impact of this rulemaking on small business entities should be minimal, affecting only those few who have engaged in prohibited conduct in violation of statutory intent.

VI. Paperwork Reduction Act

This final rule imposes no new reporting or recordkeeping requirements necessitating clearance by OMB.

List of Subject in 41 CFR Part 105–70

Administrative hearing, Claims, Program fraud.

Dated: July 18, 2017.

Timothy Horne,

Acting Administrator of General Services.

Accordingly, 41 CFR part 105–70 is amended as set forth below:

PART 105–70—IMPLEMENTATION OF THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

■ 1. The authority citation for 41 CFR part 105–70 continues to read as follows:

Authority: 40 U.S.C. 486(c); 31 U.S.C. 3809.

§ 105–70.003 [Amended]

■ 2. Amend § 105–70.003 by—

■ a. Removing from paragraph (a)(1)(iv) the amount ''5,500'' and adding ''10,781'' in its place; and

■ b. Removing from paragraph (b)(1)(ii) the amount ''5,500'' and adding ''10,781'' in its place.

[FR Doc. 2017–18274 Filed 8–28–17; 8:45 am]

BILLING CODE 6820–81–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

47 CFR Chapter V

[Docket No. 151209999–7323–02]

RIN 0660–AA30

Scope of NTIA's Authority Regarding FirstNet Fees

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: Congress authorized the First Responder Network Authority (FirstNet), an independent authority within the National Telecommunications and Information Administration (NTIA), to assess and collect, among other funds, three specific types of fees. By law, NTIA must review and approve these fees on an annual basis. This final rule describes NTIA's overarching scope, boundaries, and guidelines for its FirstNet fee review and approval process as mandated by the Middle Class Tax Relief and Job Creation Act of 2012 (the Act).

DATES: Effective on August 29, 2017.

FOR FURTHER INFORMATION CONTACT: Patrick Sullivan; Office of Public Safety Communications; National Telecommunications and Information Administration; U.S. Department of Commerce; 1401 Constitution Avenue NW., Washington, DC 20230; *psullivan@ntia.doc.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Act established FirstNet as an independent authority within NTIA charged with ensuring the building, deployment, and operation of an interoperable nationwide public safety broadband network (Network).[1] It also requires FirstNet to be self-sustainable.[2] The Act authorizes FirstNet to, among other actions, assess and collect the following specific fees: (1) Network user fees, including user fees associated with state use of elements of the core network; (2) lease fees related to network capacity, pursuant to a covered leasing agreement; and (3) fees from entities seeking to access or use any equipment or infrastructure constructed or otherwise owned by FirstNet.[3] It requires the total amount of these fees,

[1] *See* 47 U.S.C. 1426(a)–(b)(1).

[2] *See* 47 U.S.C. 1428(b).

[3] *See* 47 U.S.C. 1428(a); 47 U.S.C. 1442(f).

for each fiscal year, to be sufficient, but not to exceed, the amount necessary to recoup the total expenses of FirstNet as it carries out its duties under the Act.[4] FirstNet must reinvest amounts received from the assessment of these fees for constructing, maintaining, operating, or improving the Network.[5] Finally, as an element of NTIA's oversight responsibilities for FirstNet, NTIA must review these fees on an annual basis, and such fees may only be assessed if approved by NTIA.[6]

This action: (1) Adopts the tenets of the proposed rule; (2) finds that Congress established a statutory framework for NTIA to use to determine the reasonableness of FirstNet's proposed fees; (3) establishes the scope of NTIA's fee review and approval process in fulfillment of the Act's requirements that FirstNet be self-sustainable and invest back into the Network; (4) defines the fees subject to NTIA review; and (5) details NTIA's fee review and approval methodology, timing, and process.

NTIA published a proposed rule for this action on December 15, 2015 (80 FR 77592). The preamble to the proposed rule gives more background and information on FirstNet's and NTIA's respective duties with regard to the Network and related fees and other income, and describes the scope and method of NTIA's fee review and approval process, which are not repeated here.

II. Response to Comments

The comment period on the proposed rule ended on January 14, 2016. NTIA received eight comments: two from states, one from a local public safety organization, one from a telecommunications service provider, and four from trade associations. Comments on the proposed rule included several similar positions, inquiries both within and outside the scope of the rule, and recommendations stemming from the proposed rule and its preamble. NTIA has carefully considered each of the comments submitted. It has grouped and summarized the comments according to common themes and has responded accordingly. All written comments can be found at *https://www.regulations.gov/document?D=NTIA-2016-0001-0001*.

A. Standard of NTIA Fee Review and Approval

Comment 1: A majority of commenters agreed that NTIA's fee review and approval should be scoped to determine whether the amount of FirstNet's fees, in aggregate and in combination with any FirstNet non-fee-based income, is sufficient to cover, but does not exceed the amount necessary for, FirstNet's execution of its statutory duties. However, one commenter asserted that the Act is not explicit on NTIA's standard of review and offers no guidance to NTIA that its fee review and approval process should further FirstNet's self-sustainability requirements. Thus, the commenter asserted, NTIA's fee review should include review and approval of each individual fee FirstNet proposes to assess and collect.

Response: Congress did not direct NTIA to review each individual fee FirstNet proposes to assess and collect. The Act mandates that ''[t]he total amount of the fees assessed for each fiscal year . . . shall be sufficient, and shall not exceed the amount necessary, to recoup the total expenses of [FirstNet] in carrying out its duties and responsibilities [under the Act] for the fiscal year involved,'' [7] and that NTIA review these fees annually.[8] Thus, NTIA interprets the fee review requirement to compel an annual review of the aggregate fees assessed by FirstNet and determine whether these fees *in toto* are appropriate to enable FirstNet to recoup its expenses and be self-sustaining. This interpretation corresponds to the Act's goal of creating ''permanent self-funding.'' [9]

B. Reasonableness of a Proposed Fee

Comment 1: While several commenters contend Congress did not require NTIA to conduct a review of the reasonableness of fees proposed by FirstNet, others disagree. One commenter suggests that NTIA misreads the statute in not finding a statutory requirement for a reasonableness review of each fee given the Act's goal of providing broadband service to first responders. Other commenters assert, as a matter of policy, that NTIA should seek state input or otherwise make determinations about the reasonableness of the fees FirstNet proposes to assess and collect.

Response: Congress did not mandate that NTIA engage in a reasonableness review of each fee FirstNet proposes to assess and collect.[10] To ensure that the fees that FirstNet assesses are reasonable and not excessive, as noted above, the Act mandates that ''[t]he total amount of the fees assessed for each fiscal year . . . shall be sufficient, and shall not exceed the amount necessary, to recoup the total expenses of [FirstNet] in carrying out its duties and responsibilities [under the Act] for the fiscal year involved.'' [11] This requirement therefore sets the boundaries of what constitutes reasonable fees for FirstNet to assess and collect. Thus, consistent with NTIA's fee review and approval scope, NTIA will approve FirstNet's fees as reasonable only if FirstNet's fees, in aggregate and in combination with any FirstNet non-fee-based income, are sufficient to cover, but do not exceed the amount necessary for, FirstNet's execution of its statutory duties for each fiscal year.

Comment 2: One commenter claimed that NTIA should expand its fee review to control the activity of FirstNet's Network partner and discourage any possible anticompetitive activity associated with access to spectrum licensed to FirstNet.

Response: The Act does not require NTIA to regulate spectrum use; rather, the Act assigns decisions on the lawful use of FirstNet's spectrum resources to FirstNet. Thus, NTIA's fee review will assess whether the Act's self-sustainability goals are being achieved—not how FirstNet uses its licensed spectrum.

C. Focus of NTIA Fee Review Methodology

Comment 1: Commenters generally agreed with NTIA's method of reviewing FirstNet's proposed fees. One party sought clarification on what total expenses and costs would be included in NTIA's assessment of whether FirstNet's fees and non-fee-based income meet but do not exceed its total expenses.

Response: While such expenses and costs were outlined in the preamble of the proposed rule, NTIA agrees that defining the term ''expenses'' in the rule will provide clarity for FirstNet and other stakeholders. For this reason, NTIA has amended the rule to include a definition of ''expenses'' as the term is discussed in the proposed rule

[4] *See* 47 U.S.C. 1428(b).

[5] *See* 47 U.S.C. 1428(d).

[6] *See* 47 U.S.C. 1428(c).

[7] 47 U.S.C. 1428(b).

[8] *See* 47 U.S.C. 1428(c) (''NTIA shall review the fees assessed under this section on an annual basis, and such fees may only be assessed if approved by the NTIA.'').

[9] 47 U.S.C. 1428.

[10] *See* 47 U.S.C. 1428(c).

[11] 47 U.S.C. 1428(b).

preamble.[12] As stated in the final rule below, non-fee-based income received by FirstNet means, for purposes of this rule, FirstNet's receipt of money from any source, transaction, entity, or any other means allowed under 47 U.S.C. 1401 *et seq.,* other than those receipts described in the definition of ''fee.''

Comment 2: Commenters generally agreed that NTIA should defer to FirstNet on any need for reserves, working capital, or similar fund categories. One commenter sought a definition of the term ''necessary reserves'' for purposes of NTIA's fee review and approval process.

Response: NTIA agrees that defining the scope of necessary reserve funds on which it will defer to FirstNet provides further clarity on NTIA's fee review methodology. Accordingly, NTIA has included in the final rule a definition of ''necessary reserve funds.''[13] Necessary reserve funds means, for purposes of this rule, any amount of money identified by FirstNet in its standard financial documentation to meet expected and unexpected future expenses that may arise in the course of FirstNet executing its statutory powers, duties, and responsibilities under 47 U.S.C. 1401 *et seq.,* including but not limited to capital reserve funds, operating reserve funds, maintenance reserve funds, and improvement reserve funds.

Comment 3: One commenter proposed that, if NTIA disapproves FirstNet's fee proposal, it should clearly articulate the reasons for such rejection.

Response: NTIA agrees that providing guidance on reasons for any disapproval of FirstNet's proposed fees will assist FirstNet in providing revised fee proposals that may be approved. As with the proposed rule, the final rule requires written notification of NTIA's determination on FirstNet's proposed fees, and NTIA anticipates providing relevant details justifying its decision in that written communication.

Comment 4: One commenter proposed that NTIA establish a timeline during which FirstNet must provide its proposed fees and NTIA must review and finalize a determination on FirstNet's proposal.

Response: NTIA agrees that providing a detailed timeline for NTIA's fee review and approval process will offer certainty to potential users of the Network, FirstNet, and its Network partner. Accordingly, NTIA has revised its final rule to include such a timeline for NTIA's fee review process. As stated in the final rule, NTIA will abide by the Fee Review Schedule as set out in § 500.5(g)(1) through (5).

Comment 5: One commenter proposed that NTIA should address the possibility that FirstNet's fees may not be approved by the start of the new fiscal year. The commenter proposed that, should FirstNet's fees not be approved by the first day of the fiscal year, FirstNet may operate under the prior year's fees until fees for the next fiscal year are approved.

Response: NTIA agrees that providing contingency procedures in the event that NTIA disapproves FirstNet's proposed fees for a given fiscal year may provide continuation of funding sources for the Network while FirstNet revises its fees. Accordingly, NTIA adds a provision to its final rule stating that, should NTIA disapprove FirstNet's proposed fees, fees approved by NTIA for the prior fiscal year may be assessed by FirstNet during the instant fiscal year until such time that NTIA approves FirstNet's proposed fees for the instant fiscal year.

D. Fees Subject to NTIA Review and FirstNet Reconsideration Upon NTIA Disapproval

Comment 1: Commenters generally agreed that NTIA is authorized under the Act to only consider the three types of fees authorized under 47 U.S.C. 1428(a). Two commenters sought further review on this when there is more clarity regarding the specific types of revenue FirstNet will collect, especially with regard to the specific fee structure established with FirstNet's Network partner.

Response: During FirstNet's public procurement process, NTIA and stakeholders had sufficient clarity of FirstNet's planned approach to evaluate and shape NTIA's proposed fee review process.[14] Accordingly, NTIA determines that its rule includes all provisions necessary to execute its statutory duties and does not at this time anticipate a need to revise its rule.

E. Income Other Than Fees Is Not Subject to NTIA Fee Review

Comment 1: Commenters sought clarity on whether NTIA would review any charges imposed or income collected by FirstNet or any other party beyond those specific fees authorized under 47 U.S.C. 1428(a). One commenter urged NTIA to review and approve fees charged by FirstNet's Network partner.

Response: As indicated in the proposed rule, income received by FirstNet other than from fees authorized under 47 U.S.C. 1428(a) is not directly subject to NTIA review under 47 U.S.C. 1428(b) and (c). NTIA has included language further clarifying this determination in the final rule.

However, NTIA will consider such non-fee-based income of FirstNet as part of its overall determination of whether the total of the fees defined in 47 U.S.C. 1428(a), together with such additional income, will be sufficient to recoup FirstNet's total expenses, but not exceed the amount necessary to carry out its statutory powers, duties, and responsibilities under the Act for the fiscal year involved.

F. Comment Outside the Scope of Rule

Comment 1: One commenter requested that NTIA, in developing requirements for the review of a state's demonstration of the cost effectiveness of its state alternative plan to operate the RAN within that state pursuant to 47 U.S.C. 1442(e)(3)(D)(ii), restrict its assessment to whether the applicant state has sufficient funds to maintain the state's RAN.

Response: NTIA has issued a Notice and Request for Comment on its duties with regard to 47 U.S.C. 1442(e)(3)(D) and invites parties to review that Notice and any further Notices in that proceeding.[15]

III. Changes From the Proposed Rule

In response to comments, NTIA included definitions of the terms ''expenses,'' ''standard financial documentation,'' and ''necessary reserves.'' NTIA clarifies that user fees associated with state use of elements of the core network, referenced in 47 U.S.C. 1442(f), are user fees authorized by 47 U.S.C. 1428(a) and subject to NTIA review. NTIA affirms its fee review scope in the context of non-fee-based income as that term is defined in the rule. NTIA also provides

[12] Further, because the proposed rule preamble, fee review methodology, proposed and final rule, and new definition of ''expenses'' all utilize the term ''standard financial documentation,'' NTIA has provided a definition of this term in the final rule consistent with the proposed rule preamble to provide further clarity to stakeholders.

[13] This definition reflects the term's use in the proposed rule preamble.

[14] For example, Section L.3.3.3 of FirstNet's Request for Proposals for the deployment of the Network (RFP) required a schedule for nationwide payments to FirstNet. Such payment from FirstNet's Network partner, to be made annually, constitute fees identified in 47 U.S.C. 1428(a)(2). *See* FirstNet Nationwide Public Safety Broadband Network (NPSBN); Request for Proposals, Solicitation Number: D15PS00295E, Department of the Interior (Jan. 13, 2016).

[15] *See* State Alternative Plan Program (SAPP) and the First Responder Network Authority Nationwide Public Safety Broadband Network, Notice and Request for Comments, Docket Number: 160706588–6588–01 (81 FR 46907, Jul. 19, 2016).

contingency provisions in the event NTIA disapproves FirstNet proposed fees and sets a timeline during which FirstNet and NTIA will propose and review fees pursuant to 47 U.S.C. 1428. Finally, NTIA makes minor clarifying edits in conformance with the Act.

IV. Classification

The Director of Administration and Chief Financial Officer of the National Telecommunications and Information Administration, who is performing the non-exclusive duties of the Assistant Secretary for Communications and Information, has determined that this final rule is consistent with the Act and other applicable law.

The need to implement these measures in a timely manner constitutes good cause under authority contained in 5 U.S.C. 553(d)(3) to waive the 30-day waiting period and make the rule effective immediately upon publication in the **Federal Register**. It would be impractical to have to wait 30 days before the rule is effective because FirstNet requires the ability to assess and collect fees in order to ensure the deployment and operation of the Network, which will benefit first responders and the public at large. In addition, this final rule does not impose any requirements or obligations on members of the public.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

It has been determined that the final rule is not major under 5 U.S.C. 801 *et seq.*

The Chief Counsel for Regulations for the Department of Commerce certified at the proposed rule stage that this rule does not have a significant economic impact on a substantial number of small entities. NTIA did not receive any comments on the certification, and the underlying analysis for the certification has not changed since the publication of the proposed rule.

Dated: August 23, 2017.

Leonard Bechtel,

Chief Financial Officer and Director of Administration, performing the non-exclusive duties of the Assistant Secretary for Communications and Information, National Telecommunications and Information Administration.

List of Subjects in 47 CFR Part 500

Broadband, Fees, First Responder Network Authority, National Telecommunications and Information Administration, Safety, Telecommunications.

■ For the reasons set out in the preamble, the National Telecommunications and Information Administration adds 47 CFR chapter V to read as follows:

47 CFR Chapter V—The First Responder Network Authority (Parts 500–599)

Subchapter A—National Telecommunications and Information Administration Regulations (Parts 500–549)

PART 500—REVIEW AND APPROVAL OF FEES PROPOSED BY THE FIRST RESPONDER NETWORK AUTHORITY (FIRSTNET) PARTS 501–549 [RESERVED]

Subchapter B—(Parts 550–599) [Reserved]

Subchapter A—National Telecommunications and Information Administration Regulations (Parts 500–549)

PART 500—REVIEW AND APPROVAL OF FEES PROPOSED BY THE FIRST RESPONDER NETWORK AUTHORITY (FIRSTNET)

Sec.

500.1 Purpose and scope.
500.2 General definitions.
500.3 NTIA duty to review FirstNet proposed fees.
500.4 Scope of NTIA review of FirstNet proposed fees.
500.5 Methodology of NTIA fee review and approval process.

Authority: 47 U.S.C. 1401.

§ 500.1 Purpose and scope.

Sections 500.2 through 500.5 of this part implement 47 U.S.C. 1428(c) as codified pursuant to the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112–96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. 1401 *et seq.*)) (Act), which requires the National Telecommunications and Information Administration (NTIA) to annually review fees the First Responder Network Authority (FirstNet) proposes to assess pursuant to 47 U.S.C. 1428(a).

§ 500.2 General definitions.

Expenses means incursions of costs by FirstNet in the course of executing its statutory powers, duties, and responsibilities under 47 U.S.C. 1401 *et seq.,* including but not limited to:

(1) Salaries and Benefits;
(2) Travel;
(3) Services: Federal Sources;
(4) Services: Non-Federal Sources;
(5) Facilities Rental;
(6) Supplies, Materials, and Printing;
(7) Equipment; and
(8) Other Expenses incurred for future contract award, necessary reserve funds, including for all other permitted purposes under the Act, or other authorized expenses as identified in FirstNet's standard financial documentation.

Fee means:

(1) FirstNet's receipt of money from:
(i) Network User Fees, including User Fees Associated with State Use of Elements of the Core Network;
(ii) Lease Fees Related To Network Capacity; or
(iii) Lease Fees Related To Network Equipment And Infrastructure, as those terms are defined under 47 U.S.C. 1428(a) and 47 U.S.C. 1442(f).
(2) Income received by FirstNet other than from fees authorized under 47 U.S.C. 1428(a) is not directly subject to NTIA review. However, NTIA will consider such non-fee-based income as part of its determination of whether such income, when combined in aggregate with the fees authorized under 47 U.S.C. 1428(a), will be sufficient to recoup FirstNet's total expenses, but not exceed the amount necessary to carry out its statutory powers, duties, and responsibilities under 47 U.S.C. 1401 *et seq.* for the fiscal year involved.

FirstNet means the First Responder Network Authority.

Fiscal Year means the 12-month accounting period for the federal government, which begins on October 1 of a given year and ends on September 30 of the subsequent year.

Necessary reserve funds means any amount of money identified by FirstNet in its standard financial documentation to meet expected and unexpected future expenses that may arise in the course of FirstNet executing its statutory powers, duties, and responsibilities under 47 U.S.C. 1401 *et seq.,* including but not limited to capital reserve funds, operating reserve funds, maintenance reserve funds, and improvement reserve funds.

Non-fee-based income received by FirstNet means FirstNet's receipt of money from any source, transaction, entity, or any other means allowed under 47 U.S.C. 1401 *et seq.,* other than those receipts described above in the definition of ''*fee.*''

NTIA means the National Telecommunications and Information Administration.

NTIA's fee review and approval process means the process by which NTIA executes its duties under 47 U.S.C. 1428(c).

Standard financial documentation means documents developed by FirstNet in its ordinary course of business that detail FirstNet's current and projected financial condition, which may include but is not limited to:

(1) FirstNet's budget documents produced in the normal course of its business;

(2) FirstNet's financial statements produced in the normal course of its business;

(3) FirstNet's annual financial audit documents, which detail FirstNet's revenue categories and statutory authority for such categories;

(4) FirstNet's annual budget reports submitted as part of the President's Budget; and

(5) FirstNet's annual report to Congress.

§ 500.3 NTIA duty to review FirstNet proposed fees.

As required under 47 U.S.C. 1428(c), NTIA shall exclusively review fees, which must be proposed by FirstNet in writing, through NTIA's review and approval process conducted on an annual basis.

§ 500.4 Scope of NTIA review of FirstNet proposed fees.

NTIA shall approve FirstNet proposed fees only if such fees, when combined with any non-fee-based income projected to be received by FirstNet, are sufficient, but do not exceed the amount necessary, to recoup FirstNet's projected total expenses in carrying out its powers, duties, and responsibilities under 47 U.S.C. 1401 *et seq.* for the fiscal year involved.

§ 500.5 Methodology of NTIA fee review and approval process.

(a) *Fee review approach.* To execute NTIA's fee review and approval process, NTIA shall utilize FirstNet's submission and FirstNet's standard financial documentation.

(b) *Deference to FirstNet on necessary reserve funds.* In executing NTIA's fee review and approval process, NTIA shall defer to FirstNet with respect to its designated amount, use, and retention of necessary reserve funds. NTIA shall consider any such designated funds to be a part of FirstNet's total expenses in carrying out its powers, duties, and responsibilities under 47 U.S.C. 1401 *et seq.* for the fiscal year involved.

(c) *Determination of fee review.* (1) NTIA shall make one of the following determinations annually upon review of FirstNet's proposed fees:

(i) FirstNet's proposed fees, in aggregate, when combined with any projected non-fee-based income to be received by FirstNet, meet but do not exceed FirstNet's projected total expenses;

(ii) FirstNet's proposed fees, in aggregate, when combined with any projected non-fee-based income to be received by FirstNet, do not meet FirstNet's projected total expenses; or

(iii) FirstNet's proposed fees, in aggregate, when combined with any projected non-fee-based income to be received by FirstNet, exceed FirstNet's projected total expenses.

(2) Upon making any of the determinations in paragraphs (c)(1)(i) through (iii) of this section, NTIA will communicate its determination in writing to the Chair of the FirstNet Board and the FirstNet Chief Executive Officer.

(d) *Outcome of determination of fee review.* (1) Should NTIA make the determination listed in paragraph (c)(1) of this section, FirstNet may assess the proposed fees.

(2) Should NTIA make one of the determinations listed in paragraph (c)(2) or (3) of this section, NTIA will disapprove FirstNet's proposed fees, and FirstNet may not assess those proposed fees.

(e) *Revision of proposed fees.* Upon a disapproval of FirstNet's proposed fees as described in paragraph (d)(2) of this section, or upon FirstNet's determination that it must revise NTIA-approved fees to ensure compliance with 47 U.S.C. 1428(b), FirstNet shall prepare a revised written submission to NTIA, which shall evaluate any proposed fees therein consistent with the requirements in §§ 500.1 through 500.5. Should NTIA disapprove of FirstNet's proposed fees pursuant to this section, fees approved by NTIA for the prior fiscal year may be assessed by FirstNet during the instant fiscal year until such time that NTIA approves FirstNet's proposed fees for the instant fiscal year pursuant to paragraph (g) of this section.

(f) *Communication of NTIA fee approval or disapproval.* Approval or disapproval of FirstNet-proposed fees shall be communicated in writing by the Assistant Secretary for Communications and Information and Administrator, National Telecommunications and Information Administration, U.S. Department of Commerce, to the Chair of the FirstNet Board and FirstNet Chief Executive Officer.

(g) *Process and timing of NTIA fee review.* For each fiscal year, FirstNet and NTIA will abide by the following Fee Review Schedule:

(1) Prior to assessing fees for a given fiscal year, FirstNet shall submit to NTIA its proposed fees for that given fiscal year and all standard financial documentation that will support its fee projections pursuant to this part.

(2) No later than 15 days after FirstNet submits items under paragraph (g)(1) of this section, NTIA shall either notify FirstNet of its approval of the FirstNet proposed fees in accordance with paragraph (d) of this section or submit any questions or requests for clarifications to FirstNet regarding the submission listed in paragraph (g)(1).

(3) No later than 15 days after FirstNet receives questions or requests for clarification from NTIA under paragraph (g)(2) of this section, FirstNet shall submit responses to NTIA.

(4) No later than 15 days after receiving responses from FirstNet under paragraph (g)(3) of this section, NTIA shall approve or disapprove FirstNet's proposed fees pursuant to paragraph (d) of this section.

(5) Should NTIA disapprove FirstNet's proposed fees, FirstNet and NTIA will abide by the following Revised Fee Review Schedule until such time as NTIA approves the revised fees:

(i) 15 days after disapproval: FirstNet shall submit revised proposed fees to NTIA pursuant to paragraph (e) of this section.

(ii) 15 days after revised fees submission to NTIA: NTIA shall submit any questions or requests for clarifications to FirstNet regarding the submission listed in paragraph (g)(5)(i) of this section.

(iii) 15 days after NTIA submits questions to FirstNet: FirstNet shall submit responses to the questions listed in paragraph (g)(5)(ii) of this section.

(iv) 15 days after NTIA receives responses from FirstNet to NTIA questions, NTIA shall approve or disapprove FirstNet's revised proposed fees pursuant to paragraph (d) of this section.

PARTS 501–549—[RESERVED]

Subchapter B—(Parts 550–599) [Reserved]

[FR Doc. 2017–18221 Filed 8–28–17; 8:45 am]

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Proposed Rules

Federal Register
Vol. 82, No. 166
Tuesday, August 29, 2017

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2017–0425, FRL–9967–04–Region 2]

Approval of Air Quality Implementation Plans; New York; Cross-State Air Pollution Rule; NO_X Annual and SO_2 Group 1 Trading Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to conditionally approve a revision to the New York State Implementation Plan (SIP) addressing requirements of the Cross-State Air Pollution Rule (CSAPR). Under the CSAPR, large electricity generating units in New York are subject to Federal Implementation Plans (FIPs) requiring the units to participate in CSAPR federal trading programs for annual emissions of nitrogen oxides (NO_X), ozone season emissions of NO_X, and annual emissions of sulfur dioxide (SO_2). This action proposes to conditionally approve into New York's SIP the State's regulations that replace the default allowance allocation provisions of the CSAPR federal trading programs for annual NO_X and SO_2 emissions. At this time, EPA is not taking action on the portion of New York's SIP submittal addressing NO_X ozone season emissions. EPA is proposing to conditionally approve New York's regulations for annual NO_X and SO_2 emissions because, while the submitted rules do not fully conform to CSAPR, New York is in the process of making further revisions to its rules and has provided a commitment to finalize and submit them by December 29, 2017. Upon timely meeting of this commitment, EPA will propose to convert the conditional approval of the SIP revision to a full approval.

DATES: Comments must be received on or before September 28, 2017.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–R02–OAR–2017–0425, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Kenneth Fradkin, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3702, or by email at *fradkin.kenneth@epa.gov.*

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I. What is EPA's proposed action?

Pursuant to Section 110(k)(4) of the Clean Air Act (CAA), EPA is proposing to conditionally approve portions of New York's December 1, 2015 SIP submittal concerning CSAPR [1] trading programs for annual emissions of NO_X and SO_2. Large Electric Generating Units (EGUs) in New York are subject to CSAPR FIPs that require the units to participate in the federal CSAPR NO_X Annual Trading Program and the federal CSAPR SO_2 Group 1 Trading Program. CSAPR provides a process for the submission and approval of SIP revisions to replace certain provisions of the CSAPR FIPs while the remaining FIP provisions continue to apply. This type of CSAPR SIP is termed an abbreviated SIP.

The New York State Department of Environmental Conservation (DEC) amended portions of Title 6 of the New York Codes, Rules and Regulations (6 NYCRR) in order to incorporate CSAPR requirements into the State's rules and allow the DEC to allocate CSAPR allowances to regulated entities in New York. 6 NYCRR Part 244, ''CAIR NO_X Annual Trading Program,'' has been repealed and replaced in its entirety with a new rule, 6 NYCRR Part 244, ''Transport Rule NO_X Annual Trading Program.'' 6 NYCRR Part 245, ''CAIR SO_2 Trading Program,'' has also been repealed and replaced in its entirety with a new rule, 6 NYCRR Part 245, ''Transport Rule SO_2 Group 1 Trading Program.'' Attendant revisions were made to 6 NYCRR Part 200, ''General Provisions,'' to update the list of referenced materials that are cited in the amended New York regulations. EPA is proposing to conditionally approve into the SIP the revised versions of 6 NYCRR Parts 200, 244 and 245.

This SIP revision is being proposed for conditional approval as opposed to a full approval because of several deficiencies that must be addressed as discussed in section IV of this notice. The proposed conditional approval of portions of New York's SIP submittal is conditioned on DEC meeting the commitment, articulated in its letters dated July 14, 2016, March 4, 2017, and July 6, 2017, to make the necessary revisions to 6 NYCRR Parts 200, 244, and 245 to meet the requirements of the CAA and EPA's regulations for approval of an abbreviated SIP revision to replace EPA's default allocations of CSAPR emission allowances with state-determined allocations. The July 6, 2017 letter from DEC committed to submitting a SIP revision by December 29, 2017. The date supersedes the dates identified in the July 14, 2016, and

[1] Federal Implementation Plans; Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals, 76 FR 48208 (August 8, 2011) (codified as amended at 40 CFR 52.38 and 52.39 and 40 CFR part 97).

March 24, 2017 letters.[2] Once EPA determines that the DEC has satisfied these conditions and EPA approves the revisions (after EPA notice and comment), EPA shall remove the conditional approval and this SIP revision will at that time receive full approval status. The conditionally approved SIP submission will remain part of the SIP until EPA takes further action. If New York fails to meet its commitment to submit a revised SIP by December 29, 2017 [*i.e.,* the date of commitment from the state's July 6, 2017 letter], the conditional approval is treated as a disapproval.

This action proposes to conditionally approve into New York's SIP state-determined allowance allocation procedures for annual NO_X and SO_2 allowances that would replace EPA's default allocation procedures for the control periods in 2017 and beyond. The proposed approval of this SIP revision does not alter any provision of either the CSAPR NO_X Annual Trading Program or the CSAPR SO_2 Group 1 Trading Program as applied to New York units other than the allowance allocation provisions, and the FIP provisions requiring those units to participate in the programs (as modified by this SIP revision) remain in place.

New York also repealed 6 NYCRR Part 243, ''CAIR NO_X Ozone Season Trading Program,'' and replaced it in its entirety with a new rule, 6 NYCRR Part 243, ''Transport Rule NO_X Ozone Season Trading Program,'' which was included in New York's December 1, 2015 SIP submittal. EPA is not proposing to act at this time on the portion of New York's SIP submittal addressing 6 NYCRR Part 243. Since New York's December 1, 2015 submission, EPA has finalized the CSAPR Update rule [3] to address Eastern states' interstate air pollution mitigation obligations with regard to the 2008 Ozone National Ambient Air Quality Standard (NAAQS). Among other things, starting in 2017 the CSAPR Update requires New York EGUs to participate in the new CSAPR NO_X Ozone Season Group 2 Trading Program instead of the earlier CSAPR NO_X Ozone Season Trading Program (now renamed the ''Group 1'' program) and replaces the ozone season budget for New York with a lower budget developed to address the revised and more stringent 2008 Ozone NAAQS. In DEC's July 14, 2016 commitment letter to EPA, New York indicated that the State would revise 6 NYCRR Part 243 to conform with the final CSAPR Update. For this reason, EPA is proposing to act at this time only on 6 NYCRR Parts 200, 244 and 245.

Section II of this document summarizes relevant aspects of the CSAPR federal trading programs and FIPs as well as the range of opportunities states have to submit SIP revisions to modify or replace the FIP requirements while continuing to rely on CSAPR's trading programs to address the states' obligations to mitigate interstate air pollution. Section III describes the specific criteria for approval of such SIP revisions. Section IV contains EPA's analysis of New York's SIP submittal, and Section V sets forth EPA's action on the submittal.

II. Background on CSAPR and CSAPR-Related SIP Revisions

EPA issued CSAPR in July 2011 to address the requirements of CAA section 110(a)(2)(D)(i)(I) concerning interstate transport of air pollution. As amended (including the 2016 CSAPR Update), CSAPR requires 27 Eastern states to limit their statewide emissions of SO_2 and/or NO_X in order to mitigate transported air pollution unlawfully impacting other states' ability to attain or maintain four NAAQS: The 1997 annual $PM_{2.5}$ NAAQS, the 2006 24-hour $PM_{2.5}$ NAAQS, the 1997 Ozone NAAQS, and the 2008 Ozone NAAQS. The CSAPR emissions limitations are defined in terms of maximum statewide ''budgets'' for emissions of annual SO_2, annual NO_X, and/or ozone-season NO_X by each covered state's large EGUs. The CSAPR state budgets are implemented in two phases of generally increasing stringency, with the Phase 1 budgets applying to emissions in 2015 and 2016 and the Phase 2 (and CSAPR Update) budgets applying to emissions in 2017 and later years. As a mechanism for achieving compliance with the emissions limitations, CSAPR establishes five federal emissions trading programs: A program for annual NO_X emissions, two geographically separate programs for annual SO_2 emissions, and two geographically separate programs for ozone-season NO_X emissions. CSAPR also establishes FIP requirements applicable to the large EGUs in each covered state. The CSAPR FIP provisions require each state's EGUs to participate in up to three of the five CSAPR trading programs.

CSAPR includes provisions under which states may submit and EPA will approve SIP revisions to modify or replace the CSAPR FIP requirements while allowing states to continue to meet their transport-related obligations using either CSAPR's federal emissions trading programs or state emissions trading programs integrated with the federal programs.[4] Through such a SIP revision, a state may replace EPA's default provisions for allocating emission allowances among the state's units, employing any state-selected methodology to allocate or auction the allowances, subject to timing criteria and limits on overall allowance quantities. In the case of CSAPR's federal trading programs for ozone-season NO_X emissions (or integrated state trading programs), a state may also expand trading program applicability to include certain smaller EGUs.[5] If a state wants to replace CSAPR FIP requirements with SIP requirements under which the state's units participate in a state trading program that is integrated with and identical to the federal trading program even as to the allocation and applicability provisions, the state may submit a SIP revision for that purpose as well. However, no emissions budget increases or other substantive changes to the trading program provisions are allowed. A state whose units are subject to multiple CSAPR FIPs and federal trading programs may submit SIP revisions to modify or replace either some or all of those FIP requirements.

States can submit two basic forms of CSAPR-related SIP revisions effective for emissions control periods in 2017 or later years.[6] Specific criteria for approval of each form of SIP revision are set forth in the CSAPR regulations, as described in section III below. Under the first alternative—an ''abbreviated'' SIP revision—a state may submit a SIP revision that upon approval replaces the default allowance allocation and/or applicability provisions of a CSAPR federal trading program for the state.[7] Approval of an abbreviated SIP revision leaves the corresponding CSAPR FIP and all other provisions of the relevant federal trading program in place for the state's units.

Under the second alternative—a ''full'' SIP revision—a state may submit a SIP revision that upon approval

[2] In their July 6, 2017 letter, the DEC indicated they needed additional time to complete their rulemaking.

[3] 81 FR 74504 (October 26, 2016).

[4] *See* 40 CFR 52.38, 52.39. States also retain the ability to submit SIP revisions to meet their transport-related obligations using mechanisms other than the CSAPR federal trading programs or integrated state trading programs.

[5] States covered by both the CSAPR Update and the NO_X SIP Call have the additional option to expand applicability under the CSAPR NO_X Ozone Season Group 2 Trading Program to include non-EGUs that would have participated in the former NO_X Budget Trading Program.

[6] CSAPR also provides for a third, more streamlined form of SIP revision that is effective only for control periods in 2016 and is not relevant here. *See* § 52.38(a)(3), (b)(3), (b)(7); § 52.39(d), (g).

[7] § 52.38(a)(4), (b)(4), (b)(8); § 52.39(e), (h).

replaces a CSAPR federal trading program for the state with a state trading program integrated with the federal trading program, so long as the state trading program is substantively identical to the federal trading program or does not substantively differ from the federal trading program except as discussed above with regard to the allowance allocation and/or applicability provisions.[8] For purposes of a full SIP revision, a state may either adopt state rules with complete trading program language, incorporate the federal trading program language into its state rules by reference (with appropriate conforming changes), or employ a combination of these approaches.

The CSAPR regulations identify several important consequences and limitations associated with approval of a full SIP revision. First, upon EPA's approval of a full SIP revision as correcting the deficiency in the state's SIP that was the basis for a particular set of CSAPR FIP requirements, the obligation to participate in the corresponding CSAPR federal trading program is automatically eliminated for units subject to the state's jurisdiction without the need for a separate EPA withdrawal action, so long as EPA's approval of the SIP is full and unconditional.[9] Second, approval of a full SIP revision does not terminate the obligation to participate in the corresponding CSAPR federal trading program for any units located in any Indian country within the borders of the state, and if and when a unit is located in Indian country within a state's borders, EPA may modify the SIP approval to exclude from the SIP, and include in the surviving CSAPR FIP instead, certain trading program provisions that apply jointly to units in the state and to units in Indian country within the state's borders.[10] Finally, if at the time a full SIP revision is approved EPA has already started recording allocations of allowances for a given control period to a state's units, the federal trading program provisions authorizing EPA to complete the process of allocating and recording allowances for that control period to those units will continue to apply, unless EPA's approval of the SIP revision provides otherwise.[11]

[8] § 52.38(a)(5), (b)(5), (b)(9); § 52.39(f), (i).

[9] § 52.38(a)(6), (b)(10(i); § 52.39(j).

[10] § 52.38(a)(5)(iv)–(v), (a)(6), (b)(5)(v)–(vi), (b)(9)(vi)–(vii), (b)(10)(i); § 52.39(f)(4)–(5), (i)(4)–(5), (j).

[11] § 52.38(a)(7), (b)(11)(i); § 52.39(k).

III. Criteria for Approval of CSAPR-Related SIP Revisions

Each CSAPR-related abbreviated or full SIP revision must meet the following general submittal criteria:

• *Timeliness and completeness of SIP submittal.* If a state wants to replace the default allowance allocation or applicability provisions of a CSAPR federal trading program, the complete SIP revision must be submitted to EPA by December 1 of the year before the deadlines described below for submitting allocation or auction amounts to EPA for the first control period for which the state wants to replace the default allocation and/or applicability provisions.[12] This SIP submission deadline is inoperative in the case of a SIP revision that seeks only to replace a CSAPR FIP and federal trading program with a SIP and a substantively identical state trading program integrated with the federal trading program. The SIP submittal completeness criteria in section 2.1 of appendix V to 40 CFR part 51 also apply.

In addition to the general submittal criteria, a CSAPR-related abbreviated or full SIP seeking to address the allocation or auction of emission allowances must meet the following further criteria:

• *Methodology covering all allowances potentially requiring allocation.* For each federal trading program addressed by a SIP revision, the SIP revision's allowance allocation or auction methodology must replace both the federal program's default allocations to existing units[13] at 40 CFR 97.411(a), 97.511(a), 97.611(a), 97.711(a), or 97.811(a) as applicable, and the federal trading program's provisions for allocating allowances from the new unit set-aside (NUSA) for the state at 40 CFR 97.411(b)(1) and 97.412(a), 97.511(b)(1) and 97.512(a), 97.611(b)(1) and 97.612(a), 97.711(b)(1) and 97.712(a), or 97.811(b)(1) and 97.812(a), as applicable.[14] In the case of a state with Indian country within its borders, while the SIP revision may neither alter nor assume the federal program's provisions for administering the Indian country NUSA for the state, the SIP revision must include procedures addressing the disposition of any otherwise unallocated allowances from an Indian country NUSA that may be made available for allocation by the state after EPA has carried out the Indian country NUSA allocation procedures.[15]

• *Assurance that total allocations will not exceed the state budget.* For each federal trading program addressed by a SIP revision, the total amount of allowances auctioned or allocated for each control period under the SIP revision (prior to the addition by EPA of any unallocated allowances from any Indian country NUSA for the state) generally may not exceed the state's emissions budget for the control period less the sum of the amount of any Indian country NUSA for the state for the control period and any allowances already allocated to the state's units for the control period and recorded by EPA.[16] Under its SIP revision, a state is free to not allocate allowances to some or all potentially affected units, to allocate or auction allowances to entities other than potentially affected units, or to allocate or auction fewer than the maximum permissible quantity of allowances and retire the remainder. Under the CSAPR NO_X Ozone Season Group 2 Trading Program only, additional allowances may be allocated if the state elects to expand applicability to non-EGUs that would have been subject to the former NO_X Budget Trading Program established for compliance with the NO_X SIP Call.[17]

• *Timely submission of state-determined allocations to EPA.* The SIP revision must require the state to submit to EPA the amounts of any allowances allocated or auctioned to each unit for each control period (other than allowances initially set aside in the state's allocation or auction process and later allocated or auctioned to such units from the set-aside amount) by the following deadlines.[18] Note that the submission deadlines differ for amounts allocated or auctioned to units considered existing units for CSAPR purposes and amounts allocated or auctioned to other units.

[12] 40 CFR 52.38(a)(4)(ii), (a)(5)(vi), (b)(4)(iii), (b)(5)(vii), (b)(8)(iv), (b)(9)(viii); § 52.39(e)(2), (f)(6), (h)(2), (i)(6).

[13] In the context of the approval criteria for CSAPR-related SIP revisions, an ''existing unit'' is a unit for which EPA has determined default allowance allocations (which could be allocations of zero allowances) in the rulemakings establishing and amending CSAPR. A spreadsheet showing EPA's default allocations to existing units is posted at *www.epa.gov/crossstaterule/techinfo.html.*

[14] § 52.38(a)(4)(i), (a)(5)(i), (b)(4)(ii), (b)(5)(ii), (b)(8)(iii), (b)(9)(iii); § 52.39(e)(1), (f)(1), (h)(1), (i)(1).

[15] *See* §§ 97.412(b)(10)(ii), 97.512(b)(10)(ii), 97.612(b)(10)(ii), 97.712(b)(10)(ii), 97.812(b)(10)(ii).

[16] § 52.38(a)(4)(i)(A), (a)(5)(i)(A), (b)(4)(ii)(A), (b)(5)(ii)(A), (b)(8)(iii)(A), (b)(9)(iii)(A); § 52.39(e)(1)(i), (f)(1)(i), (h)(1)(i), (i)(1)(i).

[17] § 52.38(b)(8)(iii)(A). (b)(9)(iii)(A).

[18] § 52.38(a)(4)(i)(B)–(C), (a)(5)(i)(B)–(C), (b)(4)(ii)(B)–(C), (b)(5)(ii)(B)–(C), (b)(8)(iii)(B)–(C), (b)(9)(iii)(B)–(C); § 52.39(e)(1)(ii)–(iii), (f)(1)(ii)–(iii), (h)(1)(ii)–(iii), (i)(1)(ii)-(iii).

CSAPR NO_X ANNUAL, CSAPR NO_X OZONE SEASON GROUP 1, CSAPR SO_2 GROUP 1, AND CSAPR SO_2 GROUP 2 TRADING PROGRAMS

Units	Year of the control period	Deadline for submission to EPA of allocations or auction results
Existing	2017 and 2018	June 1, 2016.
	2019 and 2020	June 1, 2017.
	2021 and 2022	June 1, 2018.
	2023 and later years.	June 1 of the fourth year before the year of the control period.
Other	All years	July 1 of the year of the control period.

CSAPR NO_X OZONE SEASON GROUP 2 TRADING PROGRAM

Units	Year of the control period	Deadline for submission to EPA of allocations or auction results
Existing	2019 and 2020	June 1, 2018.
	2021 and 2022	June 1, 2019.
	2023 and 2024	June 1, 2020.
	2025 and later years.	June 1 of the fourth year before the year of the control period.
Other	All years	July 1 of the year of the control period.

• *No changes to allocations already submitted to EPA or recorded.* The SIP revision must not provide for any change to the amounts of allowances allocated or auctioned to any unit after those amounts are submitted to EPA or any change to any allowance allocation determined and recorded by EPA under the federal trading program regulations.[19]

• *No other substantive changes to federal trading program provisions.* The SIP revision may not substantively change any other trading program provisions, except in the case of a SIP revision that also expands program applicability as described below.[20] Any new definitions adopted in the SIP revision (in addition to the federal trading program's definitions) may apply only for purposes of the SIP revision's allocation or auction provisions.[21]

In addition to the general submittal criteria, a CSAPR-related abbreviated or full SIP revision seeking to expand applicability under their integrated state trading programs (which is allowed for CSAPR's NO_X ozone season programs only) must meet the following further criteria:

• *Only EGUs with nameplate capacity of at least 15 MWe.* The SIP revision may expand applicability only to additional fossil fuel-fired boilers or combustion turbines serving generators producing electricity for sale, and only by lowering the generator nameplate capacity threshold used to determine whether a particular boiler or combustion turbine serving a particular generator is a potentially affected unit. The nameplate capacity threshold adopted in the SIP revision may not be less than 15 MWe.[22] In addition or alternatively, applicability may be extended to non-EGUs that would have been subject to the former NO_X Budget Trading Program established for compliance with the NO_X SIP Call.[23]

• *No other substantive changes to federal trading program provisions.* The SIP revision may not substantively change any other trading program provisions, except in the case of a SIP revision that also addresses the allocation or auction of emission allowances as described above.[24]

In addition to the general submittal criteria and the other applicable criteria described above, a CSAPR-related full SIP revision must meet the following further criteria:

• *Complete, substantively identical trading program provisions.* The SIP revision must adopt complete state trading program regulations substantively identical to the complete federal trading program regulations at 40 CFR 97.402 through 97.435, 97.502 through 97.535, 97.602 through 97.635, 97.702 through 97.735, or 97.802 through 97.835, as applicable, except as described above in the case of a SIP revision that seeks to replace the default allowance allocation and/or applicability provisions.[25]

• *Only non-substantive substitutions for the term ''State.''* The SIP revision may substitute the name of the state for the term ''State'' as used in the federal trading program regulations, but only to the extent that EPA determines that the substitutions do not substantively change the trading program regulations.[26]

• *Exclusion of provisions addressing units in Indian country.* The SIP revision may not impose requirements on any unit in any Indian country within the state's borders and must not include the federal trading program provisions governing allocation of allowances from any Indian country NUSA for the state.[27]

IV. New York's Submittal and EPA's Analysis

A. New York's SIP Submittal

On December 1, 2015, New York submitted to EPA an abbreviated SIP revision that, if approved, would replace the default allowance allocation provisions of the CSAPR SO_2 Group 1, CSAPR NO_X Annual, and CSAPR NO_X Ozone Season Trading Programs for the state's EGUs for the control periods in 2017 and beyond with provisions establishing state-determined allocations for those control periods but would leave the corresponding CSAPR FIPs and all other provisions of the trading programs in place.

The SIP submittal includes the following adopted state rules: 6 NYCRR Part 243, ''Transport Rule NO_X Ozone Season Trading Program,'' 6 NYCRR Part 244, ''Transport Rule NO_X Annual Trading Program,'' and 6 NYCRR Part 245, ''Transport Rule SO_2 Trading Program.'' Previous versions of the rules developed for state participation in the Clean Air Interstate Rule[28] (CAIR), *i.e.,* 6 NYCRR Part 243, ''CAIR NOx Ozone Season Trading Program,'' 6 NYCRR Part 244, ''CAIR NO_X Annual Trading Program,'' and 6 NYCRR Part 245, ''CAIR SO_2 Trading Program,'' have been repealed and replaced in their entirety with the new rules. Attendant revisions were made to 6 NYCRR Part 200, ''General Provisions,'' to update the list of referenced material that are cited in the amended New York regulations. The regulations were adopted on November 10, 2015, and effective on December 12, 2015.

As discussed in section I, EPA is not acting at this time on the portion of New York's SIP submittal addressing 6 NYCRR Part 243, which will be addressed in another rulemaking at a later date. In this rulemaking, EPA is addressing NYCRR Parts 244, 245, and 200.

[19] § 52.38(a)(4)(i)(D), (a)(5)(i)(D), (b)(4)(ii)(D), (b)(5)(ii)(D), (b)(8)(iii)(D), (b)(9)(iii)(D); § 52.39(e)(1)(iv), (f)(1)(iv), (h)(1)(iv), (i)(1)(iv).

[20] § 52.38(a)(4), (a)(5), (b)(4), (b)(5), (b)(8), (b)(9); § 52.39(e), (f), (h), (i).

[21] § 52.38(a)(4)(i), (a)(5)(ii), (b)(4)(ii), (b)(5)(iii), (b)(8)(iv), (b)(9)(iv); § 52.39(e)(1), (f)(2), (h)(1), (i)(2).

[22] § 52.38(b)(4)(i), (b)(5)(i), (b)(8)(i), (b)(9)(i).

[23] § 52.38(b)(8)(ii), (b)(9)(ii).

[24] § 52.38(b)(4), (b)(5), (b)(8), (b)(9).

[25] § 52.38(a)(5), (b)(5), (b)(9); § 52.39(f), (i).

[26] §§ 52.38(a)(5)(iii), (b)(5)(iv), (b)(9)(v); 52.39(f)(3), (i)(3).

[27] §§ 52.38(a)(5)(iv), (b)(5)(v), (b)(9)(vi); 52.39(f)(4), (i)(4).

[28] 70 FR 25162 (May 12, 2005).

New York's Parts 244 and Part 245 allow the State to replace the provisions of the CSAPR NO_X Annual and SO_2 Group 1 trading program allocation methodology with its own methodology. Parts 244 and 245 apply to units that serve an electrical generator with a nameplate capacity equal to or greater than 25 megawatts of electrical output and sell any amount of electricity. The control periods for Parts 244 and 245 run from January 1 to December 31. DEC would allocate allowances for control periods beginning on or after January 1, 2017.

For existing units, New York's allocation methodology is based on the average of recent emissions (*i.e.,* the average of the 3 last years for which data is available) from all New York Transport Rule units. Five percent of the statewide budgets for annual emissions of SO_2 and NO_X would be set aside for new units, and the remainder of the statewide budgets, but at least ten percent, will be allocated to the Energy Efficiency and Renewable Energy Technology (EERET) account. If the allocation to the EERET account would be less than the prescribed minimum after allocations to existing units based on the 3-year average of emissions and an allocation of five percent to the new unit set-aside, allocations to existing units would be reduced proportionally by the amounts necessary to ensure that ten percent of the budget is allocated to the EERET account.

The DEC will distribute all allowances at no cost with the exception of allowances held in the EERET account, which will be administered by the New York State Energy Research and Development Authority (NYSERDA). The sale of allowances by NYSERDA will be used to fund energy efficiency projects, renewable energy, or clean energy technology. Any EERET allowances that are not sold or distributed by NYSERDA within 12 months of the initial allocation to the EERET account will be returned to the DEC for retirement or reallocation.

As discussed more fully below, in a July 14, 2016 letter to EPA, DEC committed to revising 6 NYCRR Parts 244 and 245, and submitting a revised SIP submittal no later than July 14, 2017 to address EPA comments provided to the DEC via email on June 2, 2016. In the July 14, 2016 letter to EPA, DEC committed to revising the regulations in accordance with an enclosed document entitled ''NYSDEC Responses to EPA Comments on New York's Annual CSAPR Rules.'' In a November 28, 2016 email to DEC, EPA identified additional deficiencies. In a March 24, 2017 letter to EPA, DEC indicated that the State had commenced the regulatory process to correct additional deficiencies identified by EPA and committed to complete that process and submit a SIP revision by September 15, 2017. In a July 6, 2017 letter, DEC revised the date for correcting deficiencies and submitting a SIP revision to December 29, 2017.

New York's December 1, 2015 SIP submission, and July 14, 2016, March 24, 2017, and July 6, 2017 commitment letters to EPA, as well as EPA's comments provided to the DEC on June 2, 2016, and November 28, 2016 can be found in the electronic docket for this proposed action at *www.regulations.gov.*

B. EPA's Analysis of New York's Submittal

1. Timeliness and Completeness of New York's SIP Submittal

New York's SIP revision seeks to establish state-determined allocations of CSAPR NO_X Annual and SO_2 Group 1 allowances, starting with the control periods in 2017. Under 40 CFR 52.38(a)(4)(i)(B) and 52.39(e)(1)(ii), the deadline for submission of state-determined allocations for the 2017 and 2018 control periods is June 1, 2016, which under 52.38(a)(4)(ii) and 52.39(e)(2) makes December 1, 2015, the deadline for submission to EPA of a complete SIP revision establishing state-determined allocations for those control periods. New York submitted its SIP revision to EPA by letter dated and delivered electronically on December 1, 2015, and EPA has determined that the submittal complies with the applicable minimum completeness criteria of 40 CFR part 51, Appendix V, Section 2.1. Because the New York SIP revision was timely submitted and meets the applicable completeness criteria, it meets the criteria under 40 CFR 52.38(a)(4)(ii) and 52.39(e)(2).

2. Methodology Covering All Allowances Potentially Requiring Allocation

Sections 244.3 through 244.6, and 245.3 through 245.6 of the New York rules provide the allocation methodology adopted by New York in the SIP revision. Sections 244.3 through 244.6 replace the provisions of 40 CFR 97.411(a), 97.411(b)(1), and 97.412(a) for allocations of NO_X Annual allowances; §§ 245.3 through 245.6 replace the provisions of 40 CFR 97.611(a), 97.611(b)(1), and 97.612(a) for allocations of SO_2 Group 1 allowances. New York's methodology addresses allocation of allowances that under the default allocation provisions for the Federal trading programs would be allocated to existing units as well as allowances that would be allocated to new units from the new unit set-asides established for New York under the Federal trading programs.

Several provisions of New York's allocation methodology are inconsistent with the CSAPR SIP approval criteria, including as follows:

- Sections 244.4(b) and 245.4(b) indicate that if the DEC fails to submit allowance allocations, EPA will, for the applicable control period, allocate the allowances based on EGUs' proportional shares of the allocations for the previous control period. CSAPR rules do not allow a SIP revision under which EPA would be required to compute new allocations on a state's behalf.
- New York's rules do not include provisions for the disposition of any otherwise unallocated Indian country new unit set-aside allowances made available to the State for reallocation.
- EPA believes there is a lack of clarity regarding when EGUs would be considered ''existing'' or ''new'' units for purposes of determining whether they would receive allocations under §§ 244.3 and 245.3 or under §§ 244.5 and 245.5, respectively, and also which years of emissions data would be used to determine their allocations. For example, given EPA's understanding that New York generally intends for covered EGUs to be eligible to receive allowance allocations for each year of the programs either as existing units or as new units, the provisions in §§ 244.3(b)(2) and 245.3(b)(2) basing allowance allocations to existing units on three years of historical emissions data, combined with the requirements under 40 CFR 52.38(a)(4)(i)(B) and 52.39(e)(1)(ii) for New York to submit its allocations for existing units to EPA up to four years in advance, are inconsistent with the provisions in §§ 244.5(a)(3) and 245.5(a)(3) stating that EGUs may receive allocations from the new unit set-asides for no more than four years. In addition, §§ 244.5(a) and 245.5(a) describe EGUs commencing operation after May 1, 2010 as eligible to receive allocations from the new unit set-asides, but that date appears to be irrelevant under the procedures set forth in the other rule provisions.

3. Assurance That Total Allocations Will Not Exceed the State Budget

Sections 244.3, Transport Rule NO_X Annual Trading Program budgets, and 245.3, Transport Rule SO_2 Group 1 Trading Program budgets, set forth the total amounts of CSAPR NO_X Annual allowances and CSAPR SO_2 Group 1 allowances to be allocated to New York

units for each control period under the state trading programs.

Sections 244.3 and 245.3 provide incorrect citations, and therefore incorrect CSAPR Phase 2 state budgets, for New York. Part 244 cites the North Carolina NO_X Annual budget at 40 CFR 97.410(a)(15), which is 41,553 tons, instead of the New York NO_X Annual budget at 40 CFR 97.410(a)(14), which is 21,722 tons. Part 245 cites the West Virginia SO_2 Group 1 budget at 40 CFR 97.610(a)(15), which is 75,688 tons, instead of the New York SO_2 Group 1 budget at 40 CFR 610(a)(9), which is 27,556 tons. In addition, New York's rules do not exclude the amounts of the Indian country new unit set-asides for New York (22 tons under the NOx Annual Trading Program and 28 tons under the SO_2 Group 1 Trading Program) from the total amounts of allowances to be allocated by the State. As such, New York's rules do not currently provide assurance that total allocations will not exceed the amounts of New York's budgets under the Federal trading program rules. However, as noted below, on November 30, 2015, New York submitted allocations for existing units to EPA for the 2017 and 2018 control periods in accordance with the intent of its rules. Those allocation amounts were based on the correct New York budget amounts, not the higher budget amounts indicated by the incorrect CFR references in the state rules. Further, in response to EPA's comments on the SIP submission, New York subsequently submitted slightly revised allocations that properly exclude the amounts of the Indian country new unit set-asides from the total amounts allocated. On July 27, 2017, New York also submitted allocations for existing units to EPA for the 2019 and 2020 control periods that were based on the correct budget amounts. In light of the fact that the actual allocations submitted do not exceed the amounts of New York's budgets, EPA believes that the incorrect rule provisions do not preclude conditional approval of the SIP submission while New York works to correct the errors.

4. Timely Submission of State-Determined Allocations to EPA

Sections 244.4 and 245.4 provide for allowance allocations for existing units to be submitted to EPA for the 2017 and 2018 control periods by December 1, 2015. New York in fact submitted such allocations to EPA on November 30, 2015 (and later adjusted the allocations slightly in order to address EPA's comments on the SIP submission). Sections 244.5(a)(7), and 245.5(a)(7) indicate that the DEC will submit State-determined NUSA allocations to the EPA by October 31 of the control period.

The submission deadline of December 1, 2015 precedes the June 1, 2016 deadline discussed in section III above for existing units for the 2017 and 2018 control periods. New York, however, has not addressed intended deadlines to submit allocations to existing units for future control periods beyond 2018. New York's SIP revision meets the criteria under 40 CFR 52.38(a)(4)(i)(B) and 52.39(e)(1)(ii) for the 2017 and 2018 control periods only. EPA notes that New York's revised rules must conform with the requirements in 40 CFR 52.38(a)(4)(i)(B) and 52.39(e)(1)(ii), which require allocations to be submitted up to four years in advance of the control period for future years.

In sections 244.5(a)(7), and 245.5(a)(7) New York has included an annual deadline of October 31st of the year of the control period for submission of NUSA allocations to EPA. The October 31st date is beyond the July 1st annual submission deadline for amounts allocated or auctioned to units other than existing units (also discussed in section III of this notice). New York's SIP revision therefore does not meet the timing requirements for annual submission of NUSA allocations under 40 CFR 52.38(a)(4)(i)(C) and 52.39(e)(1)(iii).

5. No Changes to Allocations Already Submitted to EPA or Recorded

The New York rules include no provisions allowing alteration of allocations after the allocation amounts have been provided to EPA and no provisions allowing alteration of any allocations made and recorded by EPA under the federal trading program regulations, thereby meeting the condition under 40 CFR 52.38(a)(4)(i)(D) and 52.39(e)(1)(iv).

6. No Other Substantive Changes to Federal Trading Program Provisions

It is apparent from the overall design of New York's rules that they are intended only to establish State-determined allowance allocation procedures and otherwise to coordinate with the federal trading program rules. However, in their current form the rules contain a number of provisions that require revision in order to not substantively modify the federal trading program provisions, including:

- As mentioned previously in section II of this notice, under an ''abbreviated'' SIP revision, a state may replace only the allowance allocation and/or applicability provisions of a CSAPR federal trading program. However, the applicability sections of the New York's NO_X Annual and SO_2 Group 1 rules, specifically §§ 244.1(a) and 245.1(a), incorporate almost the entire CSAPR NO_X Annual and SO_2 Group 1 regulations, not just the provisions related to allocations. New York's 244.1(a) incorporates 40 CFR Sections 97.401 through 97.410 and 97.413 through 97.435. New York's 245.1(a) incorporates 40 CFR Sections 97.601 through 97.610 and 97.613 through 97.635. Similarly, in §§ 244.2 and 245.2, certain terms used throughout the trading programs, including ''Administrator'' and ''Designated representative,'' are defined only with reference to New York's rules when they should be defined with reference to the federal regulations.
- New York's 6 NYCRR §§ 244.1(d)(2) and 245.1(d)(2), include provisions for DEC to respond to petitions for determinations of applicability. Under 40 CFR 97.404 and 97.604, responding to petitions for determinations of applicability is an EPA responsibility.
- New York's rules use the term ''Transport Rule'' in Parts 244 and 245 instead of the term ''TR'' used in the CSAPR regulations as originally promulgated (*i.e.,* ''Transport Rule NO_X annual allowances'' instead of ''TR NO_X Annual allowances''). In the CSAPR Update, EPA changed ''TR'' to ''CSAPR'' throughout the regulations for all the CSAPR trading programs. New York should update its rules to replace ''Transport Rule'' with ''TR'', or preferably with ''CSAPR'' to reflect the nomenclature changes from the CSAPR Update.[29]
- EPA has identified several additional instances of incorrect cross-references in Parts 244, 245, and 200, as well as technical corrections needed to Parts 244, and 245, and 200 to reflect the changes from the CSAPR Update. The specific instances are identified in EPA's comments, which are available in the docket.

Except as noted above, EPA has determined that the SIP revision meets the requirements of 40 CFR 52.38(a)(4) and 52.39(e) by making no substantive changes to the Federal trading program regulations beyond the provisions addressing allowance allocations.

V. EPA's Proposed Action on New York's Submittal

The EPA is proposing to conditionally approve the New York SIP revision submitted on December 1, 2015 concerning allocations to New York units of CSAPR NO_X Annual allowances and CSAPR SO_2 Group 1 allowances for

[29] 81 FR 74504 (October 26, 2016).

the control periods in 2017 and 2018, and future control periods beyond 2018. This rule proposes to conditionally approve into the New York SIP amendments to 6 NYCRR Parts 244 and 245 that incorporate CSAPR requirements into the State rules, and allows the DEC to allocate CSAPR allowances to regulated entities in New York. EPA is also proposing to conditionally approve the attendant revisions to 6 NYCRR Part 200 to update the list of referenced materials cited in the amended New York regulations.

The proposed conditional approval of Parts 200, 244, and 245 is based upon DEC's commitment to make the necessary changes, identified in the July 14, 2016, March 4, 2017, and July 6, 2017 commitment letters, to New York's 6 NYCRR Part 244, ''Transport Rule NO_X Annual Trading Program,'' Part 245, ''Transport Rule SO_2 Group 1 Trading Program,'' and Part 200, ''General Provisions.'' See section IV B. of this notice concerning New York's budget, allowance allocation methodology, timing of submission of allocations, replaceable provisions of a CSAPR federal trading program under an abbreviated SIP, applicability determinations, and other substantive changes to the CSAPR Federal trading program regulations.

Following the conditional approval of Part 200, Part 244, and Part 245, allocations of CSAPR NO_X Annual allowances and CSAPR SO_2 Group 1 allowances will be made according to the provisions of New York's SIP (as modified by the DEC's July 14, 2016, March 24, 2017, and July 6, 2017 commitment letters to EPA) instead of 40 CFR 97.411(a), 97.411(b)(1), 97.412(a), 97.611(a), 97.611(b)(1), and 97.612(a). EPA's action on this SIP revision does not alter any provisions of the Federal CSAPR NO_X Annual Trading Program and the Federal CSAPR SO_2 Group 1 Trading Program as applied to New York units other than the allowance allocation provisions, and the FIPs requiring the units to participate in the programs (as modified by this SIP revision) remain in place. EPA is proposing to conditionally approve Part 200, Part 244 and Part 245 because New York's rules (when modified by the DEC as indicated in its July 14, 2016, March 24, 2017, and July 6, 2017 commitment letters to EPA) will meet the requirements of the CAA and EPA's regulations for an abbreviated SIP revision and will replace EPA's default allocations of CSAPR emission allowances with state-determined allocations, as discussed in section IV.B above.

Under CAA section 110(k)(4), the EPA may approve a SIP revision based on a commitment by a State to adopt specific enforceable measures by a date certain, but not later than one year after the date of final conditional approval. If the State fails to meet its commitment to submit a revised SIP by December 29, 2017 [*i.e.,* the date of commitment from the state's July 6, 2017 letter], or if the EPA finds the State's revisions to be incomplete, or the EPA disapproves the State's revisions, the conditional approval will, by operation of law, become a disapproval. EPA would notify the State by letter that such action has occurred. At that time, the SIP revisions in question would not be part of the approved SIP. If that were to occur, EPA would subsequently publish a document in the **Federal Register** notifying the public that the conditional approval automatically converts to a disapproval.[30] If, however, the State meets its commitment within the applicable timeframe, EPA would subsequently publish in the **Federal Register** a document notifying the public that EPA intends to convert the conditional approval to a full approval.

Because a FIP already in place satisfies New York's obligations to mitigate interstate transport air pollution, should a disapproval become finalized as noted above, the EPA will not be required to take further action. Additionally, since the SIP submission is not required in response to a SIP call under CAA section 110(k)(5), mandatory sanctions under CAA section 179 would not apply because the deficiencies are not with respect to a submission that is required under CAA title I part D.

VI. Incorporation By Reference

In this rule, the EPA is proposing action that will involve adoption of regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference revisions to 6 NYCRR Parts 200, 244, and 245 as previously discussed. The EPA has made, and will continue to make, these materials generally available through *www.regulations.gov,* and/or at the EPA Region 2 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

[30] In the event the conditional approval automatically reverts to a disapproval, the validity of allocations made pursuant to the SIP revision before the date of such reversion would not be affected.

VII. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175, because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or

preempt tribal law. Thus Executive Order 13175 does not apply to this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen Dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: August 18, 2017.

Catherine R. McCabe,

Acting Regional Administrator, Region 2.

[FR Doc. 2017–18290 Filed 8–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[EPA–HQ–OAR–2010–1042; FRL–9967–01–OAR]

RIN 2060–AT13

National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Rotary Spin Lines Technology Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: In this action, the Environmental Protection Agency (EPA) is proposing amendments to previous proposals to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Wool Fiberglass Manufacturing source category. In the July 29, 2015, final rulemaking, the EPA deferred action on previously proposed formaldehyde, methanol and phenol emission limits from rotary spin (RS) lines at wool fiberglass manufacturing facilities. In this action, the EPA is proposing to readopt the existing emission limits for formaldehyde, to establish emission limits for methanol, and to establish a work practice standard for phenol emissions from bonded RS lines at wool fiberglass manufacturing facilities. In addition, the EPA is proposing amendments to the emission limits promulgated on July 29, 2015, for formaldehyde, methanol, and phenol from flame attenuation (FA) lines at wool fiberglass manufacturing facilities. The EPA is only taking comments on the specific proposed requirements and revisions set forth in this proposed rulemaking, which are based on information contained in this proposal. The EPA is not taking comment on any aspect of previous rulemakings, including the November 25, 2011, April 15, 2013, and November 13, 2014, proposals.

DATES: The EPA must receive written comments on this proposed rule on or before October 13, 2017.

Public Hearing. If a public hearing is requested by September 5, 2017, then we will hold a public hearing on September 13, 2017. The last day to pre-register in advance to speak at the public hearing will be September 11, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2010–1042, at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

Public Hearing. If a hearing is requested, it will be held at the EPA WJC East Building, 1201 Constitution Avenue NW, Washington, DC 20004. If a public hearing is requested, then we will provide additional details about the public hearing on our Web site at *https://www.epa.gov/stationary-sources-air-pollution/wool-fiberglass-manufacturing-national-emissions-standards.* To request a hearing, to register to speak at a hearing, or to inquire if a hearing will be held, please contact Aimee St. Clair at (919) 541–1063 or by email at *stclair.aimee@epa.gov.* The EPA does not intend to publish any future notices in the **Federal Register** regarding a public hearing on this proposed action and directs all inquiries regarding a hearing to the Web site and contact person identified above.

FOR FURTHER INFORMATION CONTACT: For questions about this proposed action, contact Mr. Brian Storey, Office of Air Quality Planning and Standards, Sector Policies and Programs Division (D243–04), Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: (919) 541–1103; fax number: (919) 541–5450; email address: *storey.brian@epa.gov.*

SUPPLEMENTARY INFORMATION: *Docket.* The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2010–1042. All documents in the docket are listed in the *Regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *https://www.regulations.gov* or in hard copy at the EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the EPA Docket Center is (202) 566–1742.

Instructions. Direct your comments to Docket ID No. EPA–HQ–OAR–2010–1042. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *https://www.regulations.gov* or email. The *https://www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any

disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Public Hearing. If requested by September 5, 2017, a public hearing will be held on September 13, 2017 at the EPA WJC East Building, 1201 Constitution Avenue NW, Washington, DC 20004. If a public hearing is requested, then we will provide additional details about the public hearing on our Web site at *https://www.epa.gov/stationary-sources-air-pollution/wool-fiberglass-manufacturing-national-emissions-standards.* In addition, you may contact Aimee St. Clair at (919) 541–1063 or email at *stclair.aimee@epa.gov* with public hearing inquiries. The last day to pre-register to speak at a hearing, if one is held, will be September 11, 2017. Additionally, requests to speak will be taken the day of the hearing at the hearing registration desk, although preferences on speaking times may not be able to be fulfilled. Please note that registration requests received before the hearing will be confirmed by the EPA via email.

The EPA will make every effort to accommodate all speakers who arrive and register. If the hearing is held at a U.S. governmental facility, individuals planning to attend the hearing should be prepared to show valid picture identification to the security staff to gain access to the meeting room. Please note that the REAL ID Act, passed by Congress in 2005, established new requirements for entering federal facilities. If your driver's license is issued by Alaska, American Samoa, California, Guam, Idaho, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hampshire, New York, North Carolina, North Dakota, Northern Mariana Islands, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, Texas, Virgin Islands, Virginia, or the state of Washington, you must present an additional form of identification to enter the federal building. Acceptable alternative forms of identification include: Federal employee badges, passports, enhanced driver's licenses, and military identification cards. In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the building, you will be required to return this property pass to the security desk. No large signs will be allowed in the building, cameras may only be used outside of the building and demonstrations will not be allowed on federal property for security reasons.

Preamble Acronyms and Abbreviations. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

BACT best available control technology
CAA Clean Air Act
CBI Confidential Business Information
CD–ROM Compact Disc Read-Only Memory
CFR Code of Federal Regulations
EPA Environmental Protection Agency
FA lame attenuation
FR Federal Register
FTIR Fourier Transform Infrared
HAP hazardous air pollutants
ICR information collection request
LAER lowest achievable emission rate
lb/ton pounds per ton
MACT maximum achievable control technology
MIR maximum individual risk
NESHAP national emission standards for hazardous air pollutants
NRDC Natural Resource Defense Council
OAQPS Office of Air Quality Planning and Standards
OMB Office of Management and Budget
PF phenol-formaldehyde
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
RS rotary spin
UMRA Unfunded Mandates Reform Act
NTTAA National Technology Transfer and Advancement Act
tpy tons per year

Organization of this Document. The information in this preamble is organized as follows:

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I. General Information

A. Does this action apply to me?

Table 1 of this preamble lists the NESHAP and associated regulated industrial source category that is the subject of this proposal. Table 1 of this preamble is not intended to be exhaustive, but rather provides a guide for readers regarding the entities likely to be affected by this proposed action.

TABLE 1—NESHAP AND INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS PROPOSED ACTION

Source category	NESHAP	NAICS code [1]
Wool Fiberglass Manufacturing	Subpart NNN	327993

[1] North American Industry Classification System.

The proposed standards, once promulgated, will be directly applicable to the affected sources. Federal, state, local, and tribal government entities are not affected by this proposed action.

In 1992, the EPA defined the Wool Fiberglass Manufacturing source category as any facility engaged in producing wool fiberglass from sand, feldspar, sodium sulfate, anhydrous borax, boric acid, or any other materials. In the wool fiberglass manufacturing process, molten glass is formed into fibers that are bonded with an organic resin to create a wool-like material that is used as thermal or acoustical insulation. The category includes, but is not limited to, the following processes: Glass-melting furnace, marble forming, refining, fiber forming, binder application, curing, and cooling. Facilities produce bonded building insulation using an RS manufacturing line, and bonded pipe insulation and other heavy-density products using an FA manufacturing line. If you have any questions regarding the applicability of the proposed amendments, contact the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this action is available on the Internet. A redline version of the regulatory language that incorporates the proposed changes in this action is available in the docket for this action (Docket ID No. EPA–HQ–OAR–2010–1042). Following publication in the **Federal Register**, the EPA will post the **Federal Register** version of the proposal and key technical documents at this same Web site. Information on the overall residual risk and technology review (RTR) program is available at *https://www3.epa.gov/ttn/atw/rrisk/rtrpg.html.*

C. What should I consider as I prepare my comments for the EPA?

For comments on this proposal, do not submit information containing CBI to the EPA through *https://www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to the EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI for inclusion in the public docket. If you submit a CD–ROM or disk that does not contain CBI, mark the outside of the disk or CD–ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Send or deliver information identified as CBI only to the following address: OAQPS Document Control Officer (C404–02), OAQPS, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2010–1042.

If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

II. Background

A. What is the statutory authority for this action?

The statutory authority for this action is provided by sections 112 and 301 of the Clean Air Act (CAA), as amended (42 U.S.C. 7401 *et seq.*). Section 112 of the CAA establishes a comprehensive regulatory process to address emissions of hazardous air pollutants (HAP) from stationary sources. In the first stage, after the EPA has identified categories of sources emitting one or more of the HAP listed in CAA section 112(b), CAA section 112(d) requires us to promulgate technology-based NESHAP for those sources. ''Major sources'' are those that emit or have the potential to emit 10 tons per year (tpy) or more of a single HAP or 25 tpy or more of any combination of HAP. For major sources, the technology-based NESHAP must reflect the maximum degree of emission reductions of HAP achievable (after considering cost, energy requirements, and non-air quality health and environmental impacts) and are commonly referred to as maximum achievable control technology (MACT) standards. Additionally, CAA section 112(h) allows the agency to adopt a work practice standard in lieu of a numerical emission standard only if it is ''not feasible in the judgment of the Administrator to prescribe or enforce an emission standard for control of a hazardous air pollutant.'' This phrase is defined as applying where ''the Administrator determines that the application of measurement methodology to a particular class of sources is not practicable due to technological and economic limitations.'' CAA section 112(h)(1) and (2).

The EPA is required to review the technology-based standards and revise them ''as necessary (taking into account developments in practices, processes, and control technologies)'' no less frequently than every 8 years. CAA section 112(d)(6). In conducting this review, the EPA is not required to recalculate the MACT floor. *Natural Resources Defense Council (NRDC)* v. *EPA,* 529 F.3d 1077, 1084 (D.C. Cir. 2008). *Association of Battery Recyclers, Inc.* v. *EPA,* 716 F.3d 667 (D.C. Cir. 2013).

In this action, the EPA is proposing to complete a technology review for RS lines in accordance with section 112(d)(6) of the CAA. In addition, the EPA is proposing to amend certain emission limits promulgated on July 29, 2015, as part of the RTR for the standards for FA lines at wool fiberglass manufacturing facilities.

B. What is the regulatory history for wool fiberglass manufacturing?

The EPA promulgated the Wool Fiberglass Manufacturing NESHAP on June 14, 1999 (62 FR 31695). The 1999 NESHAP, which is codified at 40 CFR part 63, subpart NNN, includes emissions standards for formaldehyde emissions from new and existing RS lines. On July 29, 2015, we published the final rule amendments to the Wool Fiberglass Manufacturing NESHAP resulting from our completion of certain aspects of the CAA section 112(f)(2) residual risk review and the CAA section 112(d)(6) technology review for that NESHAP RTR. 80 FR 45280.

Specifically, the July 29, 2015, final rule:

(1) Established a chromium emissions limit for gas-fired, glass-melting furnaces under CAA section 112(f)(2);

(2) revised the particulate matter limit for gas-fired, glass-melting furnaces at major sources under CAA section 112(d)(6);

(3) established work practice standards for hydrogen chloride and hydrogen fluoride emissions from glass-melting furnaces at wool fiberglass manufacturing facilities under CAA section 112(h);

(4) eliminated the use of formaldehyde as a surrogate and established revised limits for formaldehyde and first-time limits for methanol and phenol emitted from FA lines under CAA sections 112(d)(2) and (d)(3);

(5) eliminated FA line subcategories;

(6) removed the exemption for startup and shutdown periods and established work practice standards that apply during startup and shutdown periods; and

(7) established a chromium emission limits for both new and existing gas-fired, glass-melting furnaces at area sources in the Wool Fiberglass Manufacturing source category under CAA section 112(d)(5).

In the July 2015 rule, we did not finalize proposed emissions limits for formaldehyde, methanol, and phenol emissions from forming cooling and collection processes on bonded RS lines under CAA sections 112(d)(2) and (3). We explained that this decision was based on comments we received on our various proposals indicating that the proposed limits likely relied on incorrect data. We explained that we had issued an Information Collection Request (ICR) under CAA section 114 for purposes of obtaining the requisite data. 80 FR 45293. Since then, we have received and evaluated responses to the ICR. More recently, we have received new information and data from a facility that operates FA lines that cast doubts on information and data that the agency relied on in promulgating the July 2015 final rule emissions limits for FA lines.

C. What is the purpose of this proposal?

This notice proposes the following amendments to the NESHAP for the Wool Fiberglass Manufacturing source category:

- Readopting formaldehyde emission limits from bonded RS lines under CAA section 112(d)(6);
- Establishing new emission limits for methanol from bonded RS lines under CAA section 112(d)(2) and (3);
- Establishing work practice standards for phenol from bonded RS lines under CAA section 112(h);
- Amending the incinerator operating limits to include cooling emissions from both RS and FA limits under CAA section 112(d)(2) and (3);
- Establishing new subcategories of FA lines under CAA section 112(d)(1);
- Establishing new emission limits for formaldehyde, methanol, and phenol from most of the newly proposed FA line subcategories under CAA section 112(d)(2) and (3); and
- Setting work practice standards for phenol from one newly proposed FA line subcategory under CAA section 112(h).

We are requesting comments on only the specific proposed revisions to the Wool Fiberglass Manufacturing NESHAP that are presented in this notice. We are not reopening or accepting comment on any other aspect of the 2015 final rule or prior proposals. Taking final action on the proposed revisions to the standards for RS lines would complete the required CAA section 112(d)(6) review for the Wool Fiberglass Manufacturing NESHAP.

III. What are the proposed rule requirements for RS lines and what is our rationale?

A. What are the proposed rule requirements for formaldehyde emissions from bonded RS lines?

In the July 29, 2015, final rule, we did not finalize the proposed revisions to the formaldehyde, methanol, and phenol emissions limits from bonded RS lines based on comments indicating that emission data we relied on for the proposed limits were not representative of either contemporaneous operations or emissions from bonded RS lines. We explained that the proposals were based on emissions and process data available to the EPA at the time the various proposals were issued, and since that time, approximately 95 percent of RS lines had undergone process modifications that involved phasing out the use of a phenol-formaldehyde (PF) binder and switching to HAP-free binders. We further explained that we had determined that the product lines continuing to operate using PF binders are not similar to the tested product lines in size, end use, production rate, or loss on ignition (LOI) percent. In sum, we posited that available data did not represent current industry conditions, most notably, the significant reduction in the use of PF binders in wool fiberglass manufacturing. We further explained that we had issued an ICR, pursuant to our authority under CAA section 114, to wool fiberglass facilities that operate bonded RS lines in order to obtain updated emissions, process, and control device data for existing RS manufacturing lines. 80 FR 45293. The first part of the ICR requested general information regarding RS line process equipment and control devices. ICR Part 1. Based on the information obtained under ICR Part 1, the EPA issued the second part of the ICR that required facilities to conduct emissions testing for formaldehyde, methanol, and phenol from bonded RS line processes. ICR Part 2. Specifically, ICR Part 2 required subject facilities to collect stack emissions data from RS lines during several testing events that represented operations during multiple seasonal ambient conditions. In response to ICR Part 2, the EPA received emissions test reports from the Johns Manville, Knauf Insulation, and Owens Corning facilities. Table 2 of this preamble summarizes the sampling program conducted under ICR Part 2.

TABLE 2—SUMMARY OF RS LINE TEST PROGRAM

Facility	Bonded RS line	Test dates	Sampling locations
Johns Manville—Defiance, OH	Line 89	6/28/2016, 8/24/2016	Collection Module A (Venturi scrubber 1 outlet). Cooling table (Venturi scrubber 2 outlet). Curing oven (regenerative thermal oxidizer (RTO) outlet).
Knauf Insulation—Shelbyville, IN.	Lines 611, 612, 613, and 614	6/15/2016, 8/2/2016	Combined exhaust from Lines 611–614 forming process and Lines 613 and 614 cooling process (wet electrostatic precipitator outlet). Curing oven (RTO outlet)
Owens Corning—Waxahachie, TX.	Line V1	5/17–18/2016	Forming process (spray chamber outlet). Cooling (high-efficiency air filter outlet). Curing oven (incinerator outlet).

In reviewing and evaluating responses to the CAA section 114 ICR, we have now determined that there are currently three facilities operating six bonded RS lines, as compared to 54 RS manufacturing lines at the time of our November 2011 proposal (76 FR 72799). As shown in Table 2 of this preamble, we have also determined that all RS lines are equipped with air pollution control devices and, most importantly, that emissions from all RS lines are significantly lower than the existing MACT standards. Additionally, we were able to confirm the phase out or elimination of PF binders which facilities have achieved by switching to HAP-free binders in wool fiberglass manufacturing processes. This is consistent with our November 2011 proposal where we explained that ''[d]ue to industry's efforts to replace phenol-formaldehyde binders more than 95 percent of formaldehyde, phenol and methanol emissions had been reduced (or will be by 2012).'' 76 FR 72803.

As previously explained, CAA section 112(d)(6) requires us to ''review, and revise as necessary (taking into account developments in practices, processes, and control technologies), emission standards promulgated under this section.'' We have interpreted CAA section 112(d)(6) as providing us the authority ''to review the section 112(d) standards considering developments in practices, processes, and control technologies.'' 70 FR 2008, April 15, 2008. The agency previously promulgated a limit for formaldehyde emissions from RS lines under CAA 112(d) and, thus, has decided that it is more appropriate to set limits for formaldehyde emissions from RS lines under CAA section 112(d)(6) instead of under CAA section 112(d)(2) and (3), as previously proposed.

As also explained in our November 2011 proposal, our technology review, under CAA section 112(d)(6), focuses on the identification and evaluation of developments in practices, processes, and control technologies that have occurred since the 1999 NESHAP was promulgated. Where we identify developments to inform our decision of whether it is ''necessary'' to revise the emissions standards, we analyze the technical feasibility of applying these developments and the estimated costs, energy implications, non-air environmental impacts, as well as considering the emission reductions. We also consider the appropriateness of applying controls to new sources versus retrofitting existing sources. Based on our analyses of the available data and information, we identified developments in practices, processes, and control technologies.

For RS bonded lines, we considered any of the following to be a ''development'':

- Any add-on control technology or other equipment that was not considered during development of the original MACT standards.
- Any improvements in the performance of any add-on control technology or other equipment (that were identified and considered during development of the original MACT standards) that could result in additional emissions reduction.
- Any work practice or operational procedure to reduce emissions that was not identified or considered during development of the original MACT standards.
- Any process changes or pollution prevention alternatives that could be broadly applied to the industry and that was not identified or considered during development of the original MACT standards.
- Any significant changes in the cost (including cost effectiveness) of applying controls (including controls the EPA considered during the development of the original MACT standards).

In addition to reviewing the responses to the ICR, we reviewed facility operating permits and searched the EPA's RACT/BACT/LAER Clearinghouse (RBLC) in our investigation of developments in practices, processes, or control technologies for RS lines at wool fiberglass manufacturing facilities.[1]

As shown in Table 2 of this preamble above, various processes on RS lines are equipped with air pollution control devices as compared to at the time of the promulgation of the 1999 MACT. As also previously explained, current formaldehyde emissions are well below the 1999 levels for two reasons:

(1) Almost all bonded lines have replaced the older PF resins with non-PF resins. These reduced the source category formaldehyde emissions by approximately 95 percent:

(2) Improvements in control technology being used have reduced emissions on the remaining lines that still use PF resins.

In light of the most notably significant reduction of formaldehyde emissions, we are, thus, proposing to conclude that there are developments in practices, processes, and control technologies that warrant revisions to the MACT standards for RS lines under CAA section 112(d)(6).

B. What are the proposed rule requirements for methanol emissions from bonded RS lines?

We are proposing to establish emission standards for methanol emissions from combined fiber/collection, curing, and cooling processes on new and existing bonded RS lines at wool fiberglass manufacturing facilities based on our evaluation of the data submitted in response to the ICR discussed above. These proposed standards differ from the methanol limits proposed in April 2013 and November 2014 under CAA section 112(d)(2) and (3). As previously explained, we did not finalize those proposed standards based on comments we received on our various proposals, indicating that our proposals were premised on questionable data given industry changes since collection of the data. In addition, as previously explained, we issued and collected additional data that is representative of current industry operations under an ICR subsequent to promulgation of our July 29, 2015, final rule. The revised limits proposed in this action are based on data received in response to the recent ICR discussed above.

C. What are the proposed rule requirements for phenol emissions from bonded RS lines?

We are proposing work practice standards for phenol emissions from combined fiber/collection, curing, and cooling processes on new and existing bonded RS lines at wool fiberglass manufacturing facilities under CAA section 112(h). In order to promulgate a work practice standard in lieu of an emission standard, the EPA must demonstrate that measurement of emissions is not practicable due to technological and economic limitations. In the case of bonded RS lines, our review of more recent CAA section 114 test data indicated that over 60 percent of the test results were values showing that phenol emissions in the exhaust gas stream were below the detection limit of EPA Method 318. This proposal represents a change from the standards for phenol emissions from bonded RS

[1] The EPA established the RBLC to provide a central database of air pollution technology information (including technologies required in source-specific permits) to promote the sharing of information on control technologies among regulatory agencies. The RBLC contains over 5,000 air pollution control permit determinations made by states, local, and tribal agencies. Control technologies, classified as Reasonably Available Control Technology (RACT), Best Available Control Technology (BACT), or Lowest Achievable Emission Rate (LAER) apply to stationary sources depending on whether the sources are existing or new, and on the size, age, and location of the facility. BACT and LAER (and sometimes RACT) are determined on a case-by-case basis, usually by state or local permitting agencies.

lines that were proposed in April 2013 and November 2014.

We regard situations where, as here, the majority of measurements are below detection limits as measurements that are not ''technologically practicable'' within the meaning of CAA section 112(h). We reasoned that ''application of measurement methodologies'' under CAA section 112(h) must also mean that a measurement has some reasonable relation to what the source is emitting (*i.e.,* that the measurement yields a meaningful value). We further explained that unreliable measurements raise issues of practicability, feasibility, and enforceability. Additionally, we posited that the application of measurement methodology would also not be ''practicable due to . . . economic limitation'' within the meaning of CAA section 112(h) because it would result in cost expended to produce analytically suspect measurements. 78 FR 22387. This proposal to establish a work practice standard for phenol differs from previous proposals where emission limits were proposed for phenol because the EPA has concluded that the data that supported setting emission limits in previous proposals is no longer valid.

We are seeking comments on only these issues or aspects of requirements that are being presented in this notice. We are not reopening any other aspects of the July 29, 2015, final rule and thus, are not soliciting comments on them.

IV. What are the proposed rule amendments resulting from our technology review and our proposed decisions?

A. What are the results and proposed decisions for formaldehyde emissions from RS lines based on our technology review?

We are proposing to readopt the current 1.2 pound per ton (lb/ton) glass pulled emissions limits for formaldehyde from combined fiber/collection, curing, and cooling processes on existing, new, and reconstructed bonded RS lines at wool fiberglass manufacturing facilities under CAA section 112(d)(6) as part of our technology review. Based on the technology review conducted for the bonded RS lines at wool fiberglass manufacturing facilities, we have determined that emissions are well controlled on bonded RS line processes. As previously explained, our evaluation of the ICR also led us to conclude that actual formaldehyde emissions from RS lines at all wool fiberglass manufacturing facilities are significantly lower than are allowed under the 1999 NESHAP. We believe that reductions in formaldehyde emissions since promulgation of the 1999 MACT rule are mainly directly related to improvements in two areas: (1) Improvements in control technology (*e.g.,* improved bag materials, replacement of older baghouses) and (2) the use of electrostatic precipitators. We also note that total formaldehyde emissions have been significantly reduced (by approximately 95 percent) since promulgation of the 1999 NESHAP due primarily to the use of non-PF binders.

Based on these data and new information, we evaluated what formaldehyde emission limit might be appropriate. The EPA's approach for developing the proposed formaldehyde emission limits for existing and new bonded RS lines sources under CAA section 112(d)(6) are explained in the memorandum titled ''Technology Review for Formaldehyde Emitted from Rotary Spin Lines,'' which is available in the docket for this proposed action. Data and information presented in this memorandum could support amended limits of 0.23 lb/ton glass pulled for existing sources and 0.24 lb/ton glass pulled for new sources. Further, according to the emissions data collected from the ICR, all wool fiberglass manufacturing facilities operating bonded RS lines would be able to meet these emission limits, given that the ICR suggests that the formaldehyde emissions from RS lines are much lower than the current MACT standard. Therefore, these limits would not require additional HAP emission controls or limits for other equipment or process. In addition, if adopted, regulated sources would not be expected to incur any additional costs.

However, we are not proposing to lower the formaldehyde limits, and are instead proposing to readopt the current limits. This is because, as previously explained, the source category has already achieved approximately 95-percent reduction in formaldehyde emissions due to the replacement of the PF binders with non-PF binders, and which, as explained below, results in major sources becoming area sources. We also believe that the industry trend will likely result in the replacement of PF binders completely and, thus, view the lowering of standards as likely penalizing sources that have been slower in embracing the industry trend. As also previously explained, our review of the ICR indicated that all bonded RS lines are equipped with air pollution control devices as compared to the time of promulgation of the 1999 MACT standards, and that these various control technologies have resulted in significantly lower emissions than the existing MACT standards. We believe that sources will not uninstall these control technologies at this stage and, thus, that the lower emissions remain somewhat assured even without our lowering of the existing MACT standards.

As part of the technology review, we also considered mandating the use of non-PF binders for lines currently using them, and/or mandating the use of non-PF binders for all bonded lines. We are not proposing this option, however, because, as explained in our April 15, 2013, proposal, facilities cease to be subject to the major source standards once they phase out the use of PF binders. ''A facility that does not use phenol-formaldehyde binders does not manufacture a bonded product, and therefore does not have a rotary spin manufacturing line or a flame attenuation manufacturing line as defined in the NESHAP. If the facility does not have a rotary spin manufacturing line or a flame attenuation manufacturing line it does not meet the definition of wool fiberglass manufacturing facility and therefore, would no longer be subject to the Wool Fiberglass Manufacturing NESHAP,'' 78 FR 22375, April 15, 2013. As also previously explained, industry continues to actively engage in the phase-out of PF binders and have achieved approximately 95-percent reduction in formaldehyde emissions as a result. We also believe this industry trend will continue given industry indications that non-PF binders are actually less expensive than PF binders. Therefore, cost considerations will move the industry in this direction without the need for regulation.

We also note that for some products, customer specifications preclude the use of any currently available non-PF binders. If PF binders were banned, these products would likely no longer be produced.

We are specifically requesting comment on the proposed readoption of the current formaldehyde limit rather than setting new limits based on information and data submitted under the ICR.

B. What are the proposed requirements for methanol emissions from RS lines?

Based on the new information and data that the agency received pursuant to the ICR, we are proposing to establish limits for methanol emissions from combined fiber/collection, curing, and cooling processes on existing, new, and reconstructed bonded RS lines at wool fiberglass manufacturing facilities.

To determine the MACT floor for methanol, we applied the 99-percent upper predictive limit (UPL) method to the best-performing five sources in the test data collected under Part 2 of the ICR. The UPL analysis is explained in the memorandum titled ''Development of Proposed Emission Limits for Methanol Emissions from Rotary Spin Lines in the Wool Fiberglass Manufacturing Source Category,'' which is available in the docket for this proposed action. We considered beyond-the-floor options for methanol for all combined collection and curing operation designs as required by CAA section 112(d)(2). However, we are not proposing any limits based on the beyond-the-floor analyses for methanol for these sources because of the potential adverse impacts of additional controls, including the cost of control devices, non-air environmental impacts, and energy implications associated with use of these additional controls. The beyond-the-floor analysis is presented in the memorandum titled ''Control Costs for Rotary Spin Lines,'' which is available in the docket for this proposed action. Table 3 of this preamble presents the proposed methanol emission limits for the combined fiber collection/formation, curing, and cooling processes on existing, new, and reconstructed RS lines at wool fiberglass manufacturing facilities.

TABLE 3—PROPOSED METHANOL EMISSION LIMITS (lb/ton OF GLASS PULLED) FOR RS LINES

Existing sources	New and reconstructed sources
1.06	0.65

The emission limits for methanol in this proposed action, if finalized, would codify the level of emissions currently being achieved on RS line processes by add-on control devices (*e.g.,* gas scrubbers, thermal oxidizers).

This proposal differs from and modifies our prior proposals. Details regarding previously proposed methanol emission limits can be found in the April 2013 (78 FR 22387) and November 2014 (79 FR 68029) proposals.

C. What are the proposed requirements for phenol emissions from RS lines?

We are proposing to establish work practice standards for phenol emissions from combined fiber/collection, curing, and cooling processes on existing, new, and reconstructed bonded RS lines at wool fiberglass manufacturing facilities under CAA section 112(h). The EPA's review of the test data collected under Part 2 of the ICR identified that approximately 60 percent of the concentration values were reported as below the detection limit of EPA Method 318 (Extractive Fourier Transform Infrared (FTIR) Method for Measurement of Emissions from the Mineral Wool and Wool Fiberglass Industries). Considering statistical validity, we concluded that, in cases where at least 55 percent of the test data are below the detection limit of the respective test method, it is not feasible to prescribe or enforce an emission standard for phenol from RS lines. Under CAA section 112(h), we are instead proposing a work practice that represents MACT.

To identify an appropriate work practice standard for phenol, the EPA reviewed the current NESHAP requirements regarding testing, monitoring, and recordkeeping of resins and binders used in manufacturing wool fiberglass products. The EPA also discussed possible phenol work practice standards with industry representatives.

Because of difficulties in measuring phenol, we cannot develop numerical emission limits; however, we believe that a requirement to establish the free-phenol content of the binder resin used during the compliance demonstration for formaldehyde and methanol and the associated recordkeeping requirements for resin shipments and binder formulations represents MACT for phenol. Consequently, we are proposing to require owners or operators to establish the free-phenol content of the binder resin used during the formaldehyde and methanol compliance demonstration based on vendor specifications, and to require recordkeeping of the free-phenol contents of each resin shipment received and each resin used in binder formulation. We are also proposing to revise the emission standards specified in 40 CFR 63.1382(c)(9) to require that owners or operators must not use a resin in binder formulations that contains a higher free-phenol content than they established during the initial or 5-year compliance demonstrations for formaldehyde and methanol.

This proposal differs from and modifies our prior proposals. Details regarding previously proposed phenol emission limits can be found in the April 2013 (78 FR 22387) and November 2014 (79 FR 68029) proposals.

D. What compliance dates are we proposing?

We are proposing that wool fiberglass manufacturing facilities that operate bonded RS lines that commenced construction or reconstruction on or before August 29, 2017 must demonstrate compliance with the requirements of this subpart no later than 2 years after the effective date of this rule. Affected sources that commenced construction or reconstruction after August 29, 2017 must demonstrate compliance with the requirements of this subpart no later than the effective date of the rule or upon start-up, whichever is later. CAA section 112(i)(3) requires that existing sources must comply as expeditiously as practicable, but no later than 3 years after promulgation of standards under CAA section 112(d). (''Section 112(i)(3)'s three-year maximum compliance period applies generally to any emissions standard . . . promulgated under [section 112].'' *Ass'n of Battery Recyclers* v. *EPA,* 716 F.3d 667, 672 (D.C. Cir. 2013)). This proposal reflects our belief that sources would need this amount of time to comply with the various proposed requirements and is a result of our review of the more recent information and data that these proposed requirements are based on. For instance, the proposed work practice standards for phenol, which call for vendor specifications, would likely require vendor bids and selections as well as time to establish the free-phenol content of binder resin and the likely institution of new practices to address the record keeping requirements when finalized.

V. What other changes are we proposing to the NESHAP in this action?

In this action, we are also proposing amendments to the incinerator operating limits specified in 40 CFR 63.1382(c)(6) to clearly indicate that the subsection applies to cooling emissions. Incinerators would be required to control the final formaldehyde, methanol, and, where applicable, phenol emissions from forming, curing, and cooling processes on both FA and bonded RS lines.

We are proposing to allow owners or operators that conducted emissions tests in 2016 in response to the EPA's ICR to submit those performance test results to demonstrate initial compliance with the new methanol emission limits for RS lines, rather than conducting additional tests.

VI. What are the proposed amendments applicable to FA lines?

We are proposing the following three subcategories for FA lines based on recent information indicating that there are technical or design differences that distinguish sources that utilize FA lines:

(1) Aerospace and Air Filtration (Aerospace); (2) Heating, Ventilation, and Air Conditioning (HVAC); and (3) Original Equipment Manufacturer (OEM). (In establishing standards under CAA section 112(d), the EPA may ''distinguish among classes, types, and sizes of sources within a category or sub-category.'' CAA section 112(d)(1). *NRDC* v. *EPA,* 489 F.3d 1364 (D.C. Cir. 2007)). We are also proposing revisions to the July 2015 final rule formaldehyde, methanol, and phenol limits to reflect these new subcategories.[2]

In March 2017, the EPA received notification from Johns Manville that several of the emission test reports the company submitted to the EPA to support development of the 2015 NESHAP emission limits for FA lines contained errors in the analytical results for formaldehyde, methanol, and phenol. According to Johns Manville and their testing contractor, the errors caused the test run-level values for pollutant mass to be biased low, particularly for methanol and phenol (*i.e.,* actual pollutant emissions were higher than reported). Johns Manville provided the corrected reports for the facilities affected by the miscalculations to the EPA after promulgation of the July 29, 2015, final rule. Upon further review of the data, including the rationale for setting the 2015 NESHAP emission limits, the EPA has determined that there are several technical questions regarding the 2015 NESHAP emission limits that cannot be resolved using the corrected reports provided by Johns Manville. Consequently, in May 2017 Johns Manville provided the EPA with more recent test data for FA lines that were collected in 2016 and 2017.

The EPA's review of the new test data confirmed that all FA line emissions points at each facility were sampled and pollutant concentrations were measured using test methods allowed by 40 CFR 63, subpart NNN (EPA Methods 316 and 318 for formaldehyde, EPA Methods 308 and 318 for methanol, and EPA Method 318 for phenol). However, the EPA identified that the phenol emissions from certain FA lines were 1 to 2 orders of magnitude higher than the phenol emissions from other FA lines. The EPA discussed this observation with Johns Manville representatives who acknowledged that they use different binder formulations on certain FA lines to manufacture specific types of wool fiberglass products, and that the different binder formulations result in higher or lower phenol emissions, depending on the composition of the binder. As previously explained, in cases where we identify differences in size, class, or type that significantly affect emissions levels, we may create subcategories when setting emission limits. This is the case here, where the phenol content of the resins is different based on the product type. The industry identified three types of FA line products: (1) Aerospace; (2) HVAC; and (3) OEM. The type of product determines the phenol content of the resin and, ultimately, the level of phenol emissions.

Based on the EPA's review of the new emissions data, the EPA is proposing standards for the three subcategories of FA line products as shown in Table 4.

TABLE 4—PROPOSED EMISSION LIMITS FOR FA LINES

[lb/ton]

Subcategory	Pollutant	Existing sources	New and reconstructed sources
Aerospace	Formaldehyde	26.25	16.83
	Methanol	8.69	3.98
HVAC	Formaldehyde	2.81	2.38
	Methanol	7.29	1.44
	Phenol	0.38	0.38
OEM	Formaldehyde	4.66	2.60
	Methanol	5.32	0.98
	Phenol	27.19	20.69

For the Aerospace subcategory, we are proposing a work practice standard that represents MACT for phenol because approximately 80 percent of the available phenol data are below the detection limit of the respective test method. Consistent with our proposed work practice for phenol emissions from RS lines, we are proposing to require owners or operators to establish the free-phenol content of the binder resin used during the formaldehyde and methanol compliance demonstration for the Aerospace subcategory, based on vendor specifications, and to require recordkeeping of the free-phenol contents of each resin shipment received and each resin used in binder formulation. We are also proposing to revise the emission standards specified in 40 CFR 63.1382(c)(9) to require that owners or operators must not use a resin in binder formulations that contain a higher free-phenol content than they established during the initial or 5-year compliance demonstrations for formaldehyde and methanol.

We are specifically requesting comments and supporting process and emissions data related to the proposed revisions to the promulgated emissions limits for FA lines.

VII. Summary of Cost, Environmental and Economic Impacts

A. How many sources are affected?

Based on the responses to the 2016 ICR, only three wool fiberglass manufacturing facilities continue to use RS lines to manufacture a bonded product. These three facilities operate six bonded RS lines that would be affected by the revised emission limits. The EPA is not currently aware of any planned or potential new or reconstructed bonded RS lines.

B. What are the air quality impacts?

The proposed standards codify and maintain the emissions reductions achieved by the industry due primarily to the phase-out of PF binders since promulgation of the 1999 NESHAP. Based on the test data received in response to the CAA section 114 ICR, all facilities with bonded RS lines currently meet the proposed emission limits for formaldehyde and methanol. Therefore, the proposed emission limits for

[2] On July 27, 2017, the EPA published a direct final rule to extend the compliance date for the FA lines in order to provide time for the EPA to review new emissions data and revise the standards where appropriate.

formaldehyde and methanol will not result in further HAP emissions reductions. Also, we do not anticipate secondary environmental impacts from the proposed amendments to the Wool Fiberglass Manufacturing NESHAP because owners or operators will not need to install additional control devices to meet the proposed standards.

C. What are the cost impacts?

Because the existing facilities will not need to install add-on control devices or implement process modifications to comply with the proposed emissions standards, and because the EPA is allowing facilities to use the test reports submitted in response to the ICR Part 2 to demonstrate initial compliance with the proposed emission limits, the three facilities subject to the proposed emission limits will not incur increased costs for installing or upgrading emissions control systems. However, the three facilities subject to this proposal will each incur costs ($4,377/year/facility, 2016 dollars) related to the submission of initial notifications and notifications of compliance status for the formaldehyde and methanol emission limits, and additional monitoring and recordkeeping activities related to the phenol work practice standard.

D. What are the economic impacts?

Economic impact analyses evaluate changes in market prices and output levels. If changes in market prices and output levels in the directly affected markets are significant, impacts on other markets are also examined. Both the magnitude of costs needed to comply with the rule and the distribution of these costs among affected facilities can have a role in determining how the market will change in response to a rule.

The proposed standards for RS lines at wool fiberglass facilities do not impose control costs or additional testing costs on affected facilities. However, affected facilities will have reporting requirements (*i.e.,* an initial notification and a notification of compliance status) associated with the proposed formaldehyde and methanol emission limits and monitoring and recordkeeping requirements associated with the phenol work practice standard. We estimate that the total annual burden for each facility associated with the proposed monitoring, reporting, and recordkeeping requirements to be approximately $4,377/year/facility, and the total annual cost of this proposal is approximately $13,131/year (2016 dollars). The economic impacts associated with the costs of this proposal are quite low; each affected firm is estimated to experience an impact of less than 0.01 percent of their revenues.

E. What are the benefits?

Based on the data collected under ICR Part 2, the actual formaldehyde emissions from all bonded RS lines are lower than the level allowed under the 1999 NESHAP. Although the proposed standards do not achieve further emissions reductions, the proposed emission limits for formaldehyde and methanol ensure that the emissions reductions that have been achieved since promulgation of the original 40 CFR 63, subpart NNN in 1999 will persist into the future and that emissions will not increase.

VIII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This proposed action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection activities contained in the existing regulations and has assigned OMB control number 1160.10. This action does not change the information collection requirements.

C. Regulatory Flexibility Act (RFA)

I certify that this proposed action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. None of the three entities affected by this proposal are small entities, using the Small Business Administration definition of small business for the affected NAICS code (327993), which is 1,500 employees for the ultimate parent company.

D. Unfunded Mandates Reform Act (UMRA)

This proposed action does not contain any unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The proposed action imposes no enforceable duty on any state, local, or tribal governments or the private sector.

E. Executive Order 13132: Federalism

This proposed action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This proposed action does not have tribal implications, as specified in Executive Order 13175. This proposed action would revise the existing emissions limit for formaldehyde and establish new emission limits for methanol and a work practice standard for phenol emissions. Thus, Executive Order 13175 does not apply to this proposed action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This proposed action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This proposed action involves technical standards. Therefore, the EPA conducted searches for the Wool Fiberglass Manufacturing Area Source NESHAP through the Enhanced National Standards Systems Network (NSSN) Database managed by the American National Standards Institute (ANSI). We also contacted voluntary consensus standards (VCS) organizations and accessed and searched their databases.

As discussed in the November 2014 supplemental proposal (79 FR 68029), under 40 CFR part 63, subpart NNN, we conducted searches for EPA Methods 5,

318, 320, 29, and 0061 of 40 CFR part 60, Appendix A. These searches did not identify any VCS that were potentially applicable for this rule in lieu of EPA reference methods.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations, and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). It does not establish an environmental health or safety standard. This action would make corrections and updates to an existing protocol for assessing the precision and accuracy of alternative test methods to ensure they are comparable to the methods otherwise required; thus, it does not modify or affect the impacts to human health or the environment of any standards for which it may be used.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedures, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements, Wool fiberglass manufacturing.

Dated: August 18, 2017.

E. Scott Pruitt,

Administrator.

For the reasons stated in the preamble, the EPA proposes to amend title 40, chapter I, part 63 of the Code of the Federal Regulations as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

■ 1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart NNN—National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing

■ 2. Section 63.1381 is amended by adding the definitions, in alphabetical order, for ''Aerospace and Air Filtration Products,'' ''Heating, Ventilation, and Air Conditioning (HVAC) Products,'' and ''Original Equipment Manufacturer (OEM) Products'' to read as follows:

§ 63.1381 Definitions.

* * * * *

Aerospace and air filtration products means bonded wool fiberglass insulation manufactured for the thermal and acoustical insulation of aircraft and/or the air filtration markets.

* * * * *

Heating, ventilation, and air conditioning (HVAC) products means bonded wool fiberglass insulation manufactured for use in HVAC systems for the distribution of air or for thermal and acoustical insulation of HVAC distribution lines.

* * * * *

Original equipment manufacturer (OEM) products means bonded wool fiberglass insulation manufactured for OEM entities that fabricate the insulation into parts used as thermal or acoustical insulation in products including, but not limited to, appliances, refrigeration units, and office interior equipment.

* * * * *

■ 3. Section 63.1382 is amended by revising paragraphs (c)(6), (c)(8)(i), and (c)(9) to read as follows:

§ 63.1382 Emission standards.

* * * * *

(c) * * *

(6) The owner or operator must operate each incinerator used to comply with the emissions limits for rotary spin or flame attenuation lines specified in Table 2 to this subpart such that any 3-hour block average temperature in the firebox does not fall below the average established during the performance test as specified in § 63.1384.

* * * * *

(8) * * *

(i) The owner or operator must initiate corrective action within 1 hour when the monitored process parameter level(s) is outside the limit(s) established during the performance test as specified in § 63.1384 for the process modification(s) used to comply with the emissions limits for rotary spin or flame attenuation lines specified in Table 2 to this subpart, and complete corrective actions in a timely manner according to the procedures in the operations, maintenance, and monitoring plan.

* * * * *

(9) The owner or operator must use a resin in the formulation of binder such that the free-formaldehyde and free-phenol contents of the resin used do not exceed the respective ranges contained in the specification for the resin used during the performance test as specified in § 63.1384.

* * * * *

■ 4. Section 63.1383 is amended by revising paragraphs (g)(1), (h), (i)(1), and (j) to read as follows:

§ 63.1383 Monitoring requirements.

* * * * *

(g) * * *

(1) The owner or operator who uses an incinerator to comply with the emissions limits for rotary spin or flame attenuation lines specified in Table 2 to this subpart shall install, calibrate, maintain, and operate a monitoring device that continuously measures and records the operating temperature in the firebox of each incinerator.

* * * * *

(h) The owner or operator who uses a wet scrubbing control device to control formaldehyde and methanol emissions must install, calibrate, maintain, and operate monitoring devices that continuously monitor and record the gas pressure drop across each scrubber and the scrubbing liquid flow rate to each scrubber according to the procedures in the operations, maintenance, and monitoring plan. The pressure drop monitor must be certified by its manufacturer to be accurate within ±250 pascals (±1 inch water gauge) over its operating range, and the flow rate monitor must be certified by its manufacturer to be accurate within ±5 percent over its operating range. The owner or operator must also continuously monitor and record the feed rate of any chemical(s) added to the scrubbing liquid.

* * * * *

(i) * * *

(1) The owner or operator who uses process modifications to control formaldehyde and methanol emissions must establish a correlation between formaldehyde and methanol emissions and the process parameter(s) to be monitored.

* * * * *

(j) The owner or operator must monitor and record the free-formaldehyde and free-phenol content of each resin shipment received and of each resin used in the formulation of binder.

* * * * *

■ 5. Section 63.1384 is amended by revising introductory paragraph (a), (a)(3), (a)(9), and introductory paragraph (c) to read as follows:

§ 63.1384 Performance test requirements.

(a) The owner or operator subject to the provisions of this subpart shall conduct a performance test to demonstrate compliance with the applicable emission limits in § 63.1382. Compliance is demonstrated when the emission rate of the pollutant is equal to or less than each of the applicable emission limits in § 63.1382. The owner or operator shall conduct the

performance test according to the procedures in 40 CFR part 63, subpart A and in this section. If the owner or operator conducted an emissions test in 2016 according to the procedures specified in § 63.1384(a)(9) and § 63.1385 in response to the EPA's Information Collection Request, the owner or operator can use the results of the emissions test to demonstrate initial compliance with the emission limits for rotary spin lines specified in Table 2 to this subpart.

* * * * *

(3) During each performance test, the owner or operator must monitor and record the glass pull rate for each glass-melting furnace and, if different, the glass pull rate for each rotary spin manufacturing line and flame attenuation manufacturing line. Record the glass pull rate every 15 minutes during any performance test required by this subpart and determine the arithmetic average of the recorded measurements for each test run and calculate the average of the three test runs. If a rotary spin or flame attenuation line shares one or more emissions points with another rotary spin or flame attenuation line(s), owners or operators can conduct the performance test while each of the process lines with the shared emissions point(s) is operating as specified in paragraph (a)(8) of this section, rather than testing each of the shared lines separately. In these cases, owners or operators must use the combined glass pull rate for the process lines with the shared emissions point(s) to demonstrate compliance with the emissions limits specified in Table 2 to this subpart.

* * * * *

(9) The owner or operator of each rotary spin manufacturing line and flame attenuation manufacturing line regulated by this subpart must conduct performance tests using the resin with the highest free-formaldehyde content. During the performance test of each rotary spin manufacturing line and flame attenuation manufacturing line regulated by this subpart, the owner or operator shall monitor and record the free-formaldehyde and free-phenol contents of the resin, the binder formulation used, and the product LOI and density.

* * * * *

(c) To determine compliance with the emission limits specified in Table 2 to this subpart, for formaldehyde and methanol for RS manufacturing lines; formaldehyde, phenol, and methanol for FA manufacturing lines; and chromium compounds for gas-fired glass-melting furnaces, use the following equation:

* * * * *

■ 6. Section 63.1385 is amended by revising paragraph (a)(8) as follows:

§ 63.1385 Test methods and procedures.

(a) * * *

(8) Method contained in appendix B of this subpart for the determination of the free-formaldehyde content of resin. The owner or operator shall use vendor specifications to determine the free-phenol content of resin.

* * * * *

■ 7. Section 63.1386 is amended by revising paragraph (d)(2)(v) to read as follows:

§ 63.1386 Notification, recordkeeping, and reporting requirements

* * * * *

(d) * * *

(2) * * *

(v) The free-formaldehyde and free-phenol contents of each binder batch and the LOI and density for each product manufactured on a rotary spin manufacturing line or flame attenuation manufacturing line subject to the provisions of this subpart, and the free-formaldehyde and free-phenol contents of each resin shipment received and of each resin used in the binder formulation;

* * * * *

■ 8. Table 2 to subpart NNN of part 63 is amended by:

■ a. Revising entries 7 and 8;

■ b. Redesignating entries 9 through 13 as entries 11 through 15;

■ c. Adding new entries 9 and 10;

■ d. Revising newly redesignated entries 13 through 15;

■ e. Adding new entries 16 through 19; and

■ g. Adding new footnote 5.

The revisions and additions read as follows:

TABLE 2 TO SUBPART NNN OF PART 63—EMISSIONS LIMITS AND COMPLIANCE DATES

If your source is a:	And you commenced construction:	Your emission limits are: [1]	And you must comply by: [2]
*	*	*	*
7. Rotary spin manufacturing line	On or before March 31, 1997	1.2 lb formaldehyde per ton of glass pulled [5].	June 14, 2002.
8. Rotary spin manufacturing line	After March 31, 1997	0.8 lb formaldehyde per ton of glass pulled [5].	June 14, 1999.
9. Rotary spin manufacturing line	On or before November 25, 2011	0.32 lb formaldehyde per ton of glass pulled. 1.06 lb methanol per ton of glass pulled.	Date 3 years after publication of the final rule.
10. Rotary spin manufacturing line	After November 25, 2011	0.24 lb formaldehyde per ton of glass pulled. 0.65 lb methanol per ton of glass pulled.	Date of publication of the final rule.[4]
11. Flame attenuation line manufacturing a heavy-density product.	After March 31, 1997 but on or before November 25, 2011.	7.8 lb formaldehyde per ton of glass pulled [5].	June 14, 1999.
12. Flame attenuation line manufacturing a pipe product.	On or before March 31, 1997	6.8 lb formaldehyde per ton of glass pulled [5].	June 14, 2002.
13. Flame attenuation line manufacturing a pipe product.	After March 31, 1997 but before November 25, 2011.	6.8 lb formaldehyde per ton of glass pulled [5].	June 14, 1999.
14. Flame attenuation line manufacturing an Aerospace product.	On or before November 25, 2011	26.25 lb formaldehyde per ton of glass pulled. 8.69 lb methanol per ton of glass pulled.	Date 1 year after publication of the final rule.

TABLE 2 TO SUBPART NNN OF PART 63—EMISSIONS LIMITS AND COMPLIANCE DATES—Continued

If your source is a:	And you commenced construction:	Your emission limits are: [1]	And you must comply by: [2]
15. Flame attenuation line manufacturing an Aerospace product.	After November 25, 2011	16.83 lb formaldehyde per ton of glass pulled. 3.98 lb methanol per ton of glass pulled.	Date of publication of the final rule.[4]
16. Flame attenuation line manufacturing an HVAC product.	On or before November 25, 2011	2.81 lb formaldehyde per ton of glass pulled. 7.29 lb methanol per ton of glass pulled. 0.38 lb phenol per ton of glass pulled.	Date 1 year after publication of the final rule.
17. Flame attenuation line manufacturing an HVAC product.	After November 25, 2011	2.38 lb formaldehyde per ton of glass pulled. 1.44 lb methanol per ton of glass pulled. 0.38 lb phenol per ton of glass pulled.	Date of publication of the final rule.[4]
18. Flame attenuation line manufacturing an OEM product.	On or before November 25, 2011	4.66 lb formaldehyde per ton of glass pulled. 5.32 lb methanol per ton of glass pulled. 27.19 lb phenol per ton of glass pulled.	Date 1 year after publication of the final rule.
19. Flame attenuation line manufacturing an OEM product.	After November 25, 2011	2.60 lb formaldehyde per ton of glass pulled. 0.98 lb methanol per ton of glass pulled. 20.69 lb phenol per ton of glass pulled.	Date of publication of the final rule.[4]

[5] This limit does not apply after date 3 years after publication of the final rule.

* * * * *

[FR Doc. 2017–18211 Filed 8–28–17; 8:45 am]

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Notices

Federal Register

Vol. 82, No. 166

Tuesday, August 29, 2017

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Request for Nominations of Members for the National Agricultural Research, Extension, Education, and Economics Advisory Board, Specialty Crop Committee, and National Genetics Advisory Council

AGENCY: Research, Education, and Economics, USDA.

ACTION: Re-opening of solicitation for membership.

SUMMARY: In accordance with the Federal Advisory Committee Act, the U.S. Department of Agriculture (USDA) announces the re-opening of the solicitation for nominations to fill vacancies on the National Agricultural Research, Extension, Education, and Economics (NAREEE) Advisory Board and its subcommittees. There are ten vacancies on the NAREEE Advisory Board; three vacancies on the Specialty Crop Committee; and three vacancies on the National Genetics Advisory Council. Nominations submitted during the original submission period do not need to be resubmitted.

DATES: All nomination materials should be submitted in a single, complete package and received or postmarked by August 31, 2017.

ADDRESSES: The nominee's name, resume or CV, completed and signed Form AD–755, and any letters of support must be submitted via one of the following methods: (1) Email to *nareeeab@ars.usda.gov;* or (2) By mail delivery service to Sonny Perdue, Secretary, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250, Attention: NAREEE Advisory Board, Room 332A, Whitten Building.

FOR FURTHER INFORMATION CONTACT: Michele Esch, Director, National Agricultural Research, Extension, Education, and Economics Advisory Board, 1400 Independence Avenue SW., Room 332A, The Whitten Building, Washington, DC 20250–2255; telephone: 202–720–3684; fax: 202–720–6199; email: *nareeeab@ars.usda.gov.* Committee Web site: *www.nareeeab.ree.usda.gov.*

SUPPLEMENTARY INFORMATION: On June 16, 2017, the U.S. Department of Agriculture announced in a **Federal Register** notice that it was soliciting nominations for membership to fill vacancies on the National Agricultural Research, Extension, Education, and Economics Advisory Board and its subcommittees. The closing date for nominations was July 31, 2017. This notice reopens the nomination period until August 31, 2017 and an additional category for solicitation has been added. Nominations submitted during the original submission period do not need to be resubmitted. Nominations for the Citrus Disease Subcommittee will no longer be accepted; all positions are currently filled.

Instructions for Nominations: Nominations are solicited from organizations, associations, societies, councils, federations, groups, and companies that represent a wide variety of food and agricultural interests throughout the country. Nominations for one individual who fits several of the categories listed above, *or* for more than one person who fits one category, will be accepted.

Nomination letters must indicate the specific category for which the nominee is applying (*i.e.,* for the Specialty Crop Committee or the National Genetics Advisory Council). Each nominee must submit a signed form AD–755, ''Advisory Committee Membership Background Information,'' which can be obtained from the contact person below or from: *https://www.ocio.usda.gov/sites/default/files/docs/2012/AD-755%20-%20Approved%20Master%202015.pdf*).

Nominations are open to all individuals without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. To ensure the recommendation of the Advisory Board take into account the needs of the diverse groups served by the USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the needs of all racial and ethnic groups, women and men, and persons with disabilities.

Please note, individuals may not serve on more than one USDA Federal Advisory Committee. Lobbyists who are registered with the Federal Government and who are selected to serve on committees to exercise their own individual best judgment on behalf of the government (*e.g.* as Special Government Employees) are ineligible to serve.

All nominees will be carefully reviewed for their expertise, leadership, and relevance.

All nominees will be vetted before selection.

Appointments to the NAREEE Advisory Board and its subcommittees will be made by the Secretary of Agriculture.

NAREEE Board: The NAREEE Advisory Board was established in 1996 via Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) to provide advice to the Secretary of Agriculture and land-grant colleges and universities on top priorities and policies for food and agricultural research, education, extension, and economics. Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 was amended by the Farm Security and Rural Investment Act of 2002 to reduce the number of members on the NAREEE Advisory Board to 25 members and required the Board to also provide advice to the Committee on Agriculture of the House of Representatives; the Committee on Agriculture, Nutrition, and Forestry of the Senate; the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies of the Committee on Appropriations of the House of Representatives; and the Subcommittee on Agriculture, Rural Development and Related Agencies of the Committee on Appropriations of the Senate.

Since the Advisory Board's inception by congressional legislation in 1996, each member has represented a specific category related to farming or ranching, food production and processing, forestry research, crop and animal science, land-grant institutions, non-land grant college or university with a historic commitment to research in the food and agricultural sciences, food retailing and

marketing, rural economic development, and natural resource and consumer interest groups, among many others. The Board was first appointed by the Secretary of Agriculture in September 1996, and one-third of its members were appointed for a 1-, 2-, and 3-year term, respectively. The terms for ten members who represent specific categories will expire September 30, 2017. Nominations for a 3-year appointment for these ten vacant categories are sought. All nominees will be carefully reviewed for their expertise, leadership, and relevance to a category.

The ten slots to be filled are:

Category B. Farm Cooperatives
Category D. Plant Commodity Producer
Category E. National Aquaculture Association
Category H. National Food Science Organization
Category J. National Nutritional Science Society
Category K. 1862 Land-Grant Colleges and Universities
Category V. National Forestry Group
Category W. National Conservation or Natural Resource Group
Category Y. National Social Science Association
Category X. Private Sector Organization involved in International Development

Specialty Crop Committee: The Specialty Crop Committee was created as a subcommittee of the NAREEE Advisory Board in accordance with the Specialty Crops Competitiveness Act of 2004 under Title III, Section 303 of Public Law 108–465. The committee was formulated to study the scope and effectiveness of research, extension, and economics programs affecting the specialty crop industry. The legislation defines ''specialty crops'' as fruits, vegetables, tree nuts, dried fruits and nursery crops (including floriculture). The Agricultural Act of 2014 further expanded the scope of the Specialty Crop Committee to provide advice to the Secretary of Agriculture on the relevancy review process of the Specialty Crop Research Initiative, a granting program of the National Institute of Food and Agriculture.

Members should represent the breadth of the specialty crop industry. Six members of the Specialty Crop Committee are also members of the NAREEE Advisory Board and six members represent various disciplines of the specialty crop industry. The terms of three members will expire on September 30, 2017. The Specialty Crop Committee is soliciting nominations to fill three vacant positions to represent the specialty crop industry. Appointed members will serve three years with their terms expiring in September 2020.

National Genetic Resources Advisory Council: The National Genetic Resources Advisory Council was re-established in 2012 as a permanent subcommittee of the NAREEE Advisory Board to formulate recommendations on actions and policies for the collection, maintenance, and utilization of genetic resources; to make recommendations for coordination of genetic resources plans of several domestic and international organizations; and to advise the Secretary of Agriculture and the National Genetic Resources Program, part of the Agricultural Research Service, of new and innovative approaches to genetic resources conservation.

The National Genetic Resources Advisory Council membership is required to have two-thirds of the appointed members from scientific disciplines relevant to the National Genetic Resources Program, including agricultural sciences, environmental sciences, natural resource sciences, health sciences, and nutritional sciences; and one-third of the appointed members from the general public including leaders in fields of public policy, trade, international development, law, or management.

The terms of three members of the National Genetic Resources Advisory Council will expire on September 30, 2017. We are seeking nominations for a 3-year appointment effective October 1, 2017 through September 30, 2020. The three slots to be filled are to be composed of two scientific members and one general public member.

Citrus Disease Subcommittee: USDA will no longer be accepting nomination packages for the Citrus Disease Subcommittee. All positions are currently filled.

Done at Washington, DC, this day of August 21, 2017.

Ann Bartuska,

Acting Under Secretary, Research, Education, and Economics.

[FR Doc. 2017–18180 Filed 8–25–17; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 24, 2017.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by September 28, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Supplemental Nutrition Assistance Program Repayment Demand and Program Disqualification

OMB Control Number: 0584–0492.

Summary of Collection: Section 13(b) of the Food and Nutrition Act of 2008, as amended (7 U.S.C. 2202(b)), and Supplemental Nutrition Assistance Program (SNAP) regulations at 7 CFR 273.18(a)(2) require State agencies to initiate collection action. State agencies must provide an affected household with written notification informing the over-issued household of the claim and demanding repayment.

Need and Use of the Information: State agency personnel will collect the information from individuals collecting SNAP benefits. The State agencies must maintain all records associated with this collection for a period of three years so that FNS can review documentation during compliance reviews and other audits. Without the information, FNS

would not be able to correct accidental or fraudulent overpayment errors in the SNAP Program.

Description of Respondents: State, Local, or Tribal Government (SLT); Individuals/Households (I/H).

Number of Respondents: 53 SLT and 884,516 (I/H).

Frequency of Responses: Reporting, Recordkeeping; On occasion.

Total Burden Hours: 203,090.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–18293 Filed 8–28–17; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2017–0066]

Notice of Request for Revision to and Extension of Approval of an Information Collection; Plants for Planting Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Revision to and extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a revision to and extension of approval of an information collection associated with the plants for planting regulations.

DATES: We will consider all comments that we receive on or before October 30, 2017.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2017-0066.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0066, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2017-0066* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on the plants for planting regulations, contact Ms. Lydia Colon, Senior Regulatory Policy Specialist, PPQ, PHP, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2302. For copies of more detailed information on the information collection, contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2483.

SUPPLEMENTARY INFORMATION:

Title: Plants for Planting Regulations.

OMB Control Number: 0579–0190.

Type of Request: Revision to and extension of approval of an information collection.

Abstract: As authorized by the Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*), the Secretary of Agriculture, either independently or in cooperation with States, may carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests that are new to or not widely distributed within the United States. This authority has been delegated to the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture.

APHIS regulations contained in ''Subpart—Plants for Planting'' (7 CFR 319.37 through 319.37–14) prohibit or restrict, among other things, the importation of living plants, plant parts, and seeds for propagation. In accordance with these regulations, plants for planting from certain parts of the world may be imported into the United States only under certain conditions to prevent the introduction of plant pests into the United States. Individuals who are involved in growing, exporting, and importing plants for planting must provide information to APHIS about the commodities they wish to bring into the United States. Implementing APHIS' nursery stock regulations requires APHIS to collect information from a variety of individuals who are involved in growing, exporting, and importing nursery stock. This information includes permits, foreign site certificates of inspection and/or treatment; written requests to APHIS for permission to move, propagate, or allow propagation of regulated articles; markings and identification of regulated articles; phytosanitary certificates; grower and production site registrations; inspections, lists, reinstatements/reapprovals; and trust fund agreements. The information APHIS collects serves as the supporting documentation needed to issue required PPQ forms and documents that allow importation of nursery stock and is vital to helping APHIS ensure that plant pests are not introduced into the United States.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities, as described, for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.516 hours per response.

Respondents: Importers, exporters, and growers of plants for planting; and the national plant protection organization of each exporting country.

Estimated annual number of respondents: 44.

Estimated annual number of responses per respondent: 245.

Estimated annual number of responses: 10,769.

Estimated total annual burden on respondents: 5,557 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 23rd day of August 2017.

Jere L. Dick,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–18279 Filed 8–28–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Farm Service Agency

Information Collection Request; County Committee Elections

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of information collection; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Farm Service Agency (FSA) is requesting comments from all interested individuals and entities on an extension of a currently approved information collection associated with the FSA county committee elections. The collection of information from FSA farmers and ranchers is used to receive nominations from eligible voters for the FSA county committee.

DATES: We will consider comments we receive by October 30, 2017.

ADDRESSES: We invite you to submit comments on this notice. In your comment, include volume, date, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to: *www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail, hand delivery, or courier:* Jean Knight, Field Operations Specialist for the Deputy Administrator for Field Operations, Farm Service Agency, USDA, STOP 0542, 1400 Independence Avenue SW., Washington, DC 20250–0542.

You may also send comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. Copies of the information collection may be requested by contacting Jean Knight at the above address.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, Jean Knight, (202) 720–0067.

SUPPLEMENTARY INFORMATION: Elections for FSA county committees are held each year; therefore, nominations for eligible nominees are requested each year. Any individual who meets the qualifications mentioned in this paragraph may be nominated by another person or by themselves. A brief form (FSA–669A) is used to collect the information for nominations; it requires the name and address of the nominee and the signatures of both the nominee and the person nominating the individual to be a nominee (only one signature is required for self-nominated individuals). The nominee must be eligible to vote in the designated FSA county committee election, eligible to hold the office of FSA county committee member, and willing to serve, if elected. For more information about FSA county committees, including elections, nominations, eligible voters, eligibility, and other related information, see the regulations in 7 CFR part 7.

In addition, the form also includes a voluntary request for race, ethnicity, and gender information from the nominee.

Title of Collection: County Committee Election.

OMB Control Number: 0560–0229.

Expiration Date of Approval: December 31, 2017.

Type of Request: Extension.

Abstract: This information collection is necessary to effectively allow farmers and ranchers to nominate potential candidates using the form FSA–669A for the FSA county committee election in accordance with the requirements as authorized by the Soil Conservation and Domestic Allotment Act, as amended. Specifically, FSA uses the information provided by the nominee annually or, if needed, throughout the year for special elections to create ballots for FSA county committee elections. There are no changes to the burden hours since the last OMB approval.

For the following estimated total annual burden on respondents, the formula used to calculate the total burden hours is the estimated average time per response multiplied by the estimated total annual of responses.

Estimate of Average Time to Respond: Public reporting burden for collecting information under this notice is estimated to average 0.67 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information for all respondents and travel time for half of the respondents. The average travel time, which is included in the total annual burden, is estimated to be 1 hour per respondent.

Type of Respondents: Any individual with farming interest in the Local Administrative Area (LAA) (eligible voters).

Estimated Number of Respondents: 10,000.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Reponses: 10,000.

Estimated Average Time per Response: 0.67 hours.

Estimated Total Annual Burden on Respondents: 6,700 hours.

We are requesting comments on all aspects of this information to help us to:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Evaluate the quality, ability and clarity of the information technology; and

(4) Minimize the burden of the information collection on those who respond through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget Approval.

Chris P. Beyerhelm,

Acting Administrator, Farm Service Agency.

[FR Doc. 2017–18223 Filed 8–28–17; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Forest Service

Butte County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Butte County Resource Advisory Committee (RAC) will meet in Oroville, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *http://www.fs.usda.gov/main/pts/specialprojects/racweb.*

DATES: The meeting will be held on September 18, 2017 at 6:30 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meetings will be held at the Feather River Ranger District, Conference room, 875 Mitchell Avenue, Oroville, California.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Plumas National Forest (NF) Headquarters. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Lee Anne Schramel, RAC Coordinator, by phone at 530–283–7850 or via email at *easchramel@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review project proposals, and

2. Make project recommendations for Title II Funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments must be sent to Lee Anne Schramel, RAC Coordinator, Plumas NF Headquarters, 159 Lawrence Street, Quincy, California 95971; by email to *easchramel@fs.fed.us,* or via facsimile to 530–283–7746.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 28, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18231 Filed 8–28–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Butte County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Butte County Resource Advisory Committee (RAC) will meet in Oroville, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the the Act. RAC information can be found at the following Web site: *http://www.fs.usda.gov/main/pts/specialprojects/racweb.*

DATES: The meeting will be held on September 25, 2017 at 6:30 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meetings will be held at the Feather River Ranger District, Conference room, 875 Mitchell Avenue, Oroville, California.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Plumas National Forest (NF) Headquarters. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Lee Anne Schramel, RAC Coordinator, by phone at 530–283–7850 or via email at *easchramel@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review project proposals, and

2. Make project recommendations for Title II Funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments must be sent to Lee Anne Schramel, RAC Coordinator, Plumas NF Headquarters, 159 Lawrence Street, Quincy, California 95971; by email to *easchramel@fs.fed.us,* or via facsimile to 530–283–7746.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 28, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18232 Filed 8–28–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of New Fee Sites

AGENCY: Green Mountain and Finger Lakes National Forests, USDA Forest Service

ACTION: Notice of New Fee Sites.

SUMMARY: The Green Mountain and Finger Lakes National Forests are proposing several new fees to recreation areas on the three ranger districts located within the Forests. Fees are assessed based on the level of amenities and services provided, cost of operations and maintenance and market assessment. These fees are proposed and will be determined upon further analysis and public comment. Fee revenue would be used for the continued operation and maintenance as well as improvements to the facilities within the recreation areas. An analysis of nearby recreation facilities with similar amenities shows that the proposed fees are reasonable and typical of similar sites in the area.

DATES: Send any comments about these fee proposals by October 13, 2017 to the appropriate ranger district listed below so comments can be compiled, analyzed, and shared with a Recreation Resource Advisory Committee.

ADDRESSES: Hector District Ranger, Finger Lakes National Forest, State

Route 414, Hector, NY 14841; Manchester District Ranger, Green Mountain National Forest, 2538 Depot Street, Manchester Center, VT 05255; or Rochester District Ranger, Green Mountain National Forest, 99 Ranger Road, Rochester, VT 05767.

FOR FURTHER INFORMATION CONTACT: Hector Ranger District: Tim Noon, Natural Resource Specialist, (607) 546–4470; Manchester Ranger District: Emily Lauderdale, District Recreation Program Manager, (802) 362–2307; Rochester Ranger District: Holly Knox, District Recreation Program Manager, (802) 767–4261.

SUPPLEMENTARY INFORMATION: The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108–447) directs the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee or fee areas are established.

The Green Mountain and Finger Lakes National Forests are proposing several new fees to recreation areas on the three ranger districts located within the Forests. They are as follows:

1. Hector Ranger District, Finger Lakes National Forest: Proposed new fees for Backbone Horse Camp for overnight use at $15.00 per night for one vehicle and one horse trailer, and a day use fee of $5.00 for one vehicle and one horse trailer.

2. Manchester Ranger District, Green Mountain National Forest: Proposed new fees for Grout Pond Recreation Area for overnight use at $16.00 per night for one vehicle, plus an additional $5 for each additional vehicle.

3. Rochester Ranger District, Green Mountain National Forest: Proposed new fees for Silver Lake Campground at $10 per night, plus an additional $5 for each additional vehicle; and Texas Falls Day Use Area Pavilion at $20 for up to 20 people, and $40 for 21–40 people.

A tremendous increase in recreation use at these specific areas on the Forests has shown that people appreciate and enjoy the availability of developed recreation facilities and pavilions. The Forests currently have several campgrounds and recreation areas with fees, and pavilions for rent. The campgrounds and recreation areas are often at capacity with pavilion rentals often fully booked throughout their rental season. A market analysis for each area indicates that the above proposed fees are both reasonable and acceptable for this sort of unique recreation experience. Revenue from the recreation fees will be used for improvements as well as the continued operation and maintenance of these sites. These fees will also help support sustainable recreation on the Forests.

The proposed fees will be reviewed by a Recreation Resource Advisory Committee prior to a final decision and implementation. If approved by the Eastern Regional Forester, the new fees would go into effect around May 2018. The Backbone Horse Camp, Grout Pond Recreation Area, Silver Lake Campground, and Texas Falls Day Use Area Pavilion will become available for recreational use and rentals around May 2018.

People wanting to reserve Backbone Horse Camp, Silver Lake Campground, or Texas Falls Day Use Area Pavilion will need to do so through Recreation One Stop, at *www.recreation.gov* or by calling 1–877–444–6777. Recreation One Stop charges a $10 fee for reservations.

Dated: August 11, 2017.

Glenn Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18233 Filed 8–28–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Inviting Applications for Value-Added Producer Grants and Solicitation of Grant Reviewers

AGENCY: Rural Business-Cooperative Service, USDA

ACTION: Notice.

SUMMARY: This Notice announces that the Rural Business-Cooperative Service (Agency) is accepting applications for the Value-Added Producer Grant (VAPG) program. Approximately $18 million is currently available. The Agency may also utilize any funding that become available after publishing this notice. Enactment of a continuing resolution or an appropriations act may affect the availability or level of funding for this program. The Agency will publish the program funding level on the Rural Development Web site (*https://www.rd.usda.gov/programs-services/value-added-producer-grants*). Section VII also announces solicitation of non-Federal independent grant reviewers to evaluate and score applications submitted under this Notice.

DATES: You must submit your application by January 31, 2018 or it will not be considered for funding. Paper applications must be postmarked and mailed, shipped or sent overnight by this date. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. Electronic applications are permitted via *http://www.grants.gov* only, and must be received before midnight January 24, 2018. Late applications are not eligible for grant funding under this Notice.

ADDRESSES: You should contact your USDA Rural Development State Office if you have questions about eligibility or submission requirements. You are encouraged to contact your State Office well in advance of the application deadline to discuss your project and to ask any questions about the application process. Application materials are available at *http://www.rd.usda.gov/programs-services/value-added-producer-grants.*

If you want to submit an electronic application, follow the instructions for the VAPG funding announcement on *http://www.grants.gov.* Please review the *Grants.gov* Web site at *http://grants.gov/applicants/organization-registration.html* for instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline. If you want to submit a paper application, send it to the State Office located in the State where your project will primarily take place. You can find State Office Contact information at *http://www.rd.usda.gov/contact-us/state-offices.*

FOR FURTHER INFORMATION CONTACT: Grants Division, Cooperative Programs, Rural Business-Cooperative Service, United States Department of Agriculture, 1400 Independence Avenue SW., MS 3253, Room 4008-South, Washington, DC 20250–3253, or call 202–690–1374.

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency Name: USDA Rural Business-Cooperative Service.

Funding Opportunity Title: Value-Added Producer Grant.

Announcement Type: Notice of Solicitation of Applications and Solicitation of Grant Reviewers

Catalog of Federal Domestic Assistance Number: 10.352.

Dates: Application Deadline. You must submit your complete paper application by January 31, 2018, or it will not be considered for funding. Electronic applications must be received by *http://www.grants.gov* no later than midnight Eastern Time January 24, 2018, or it will not be considered for funding.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act, the paperwork burden associated with this Notice has been approved by the Office of Management and Budget (OMB) under OMB Control Number 0570–0039.

A. Program Description

The VAPG program is authorized under section 231 of the Agriculture Risk Protection Act of 2000 (Pub. L. 106–224), as amended by section 6203 of the Agricultural Act of 2014 (Pub. L. 113–79) (see 7 U.S.C. 1632a). Applicants must adhere to the requirements contained in the program regulation, 7 CFR 4284, subpart J, which is incorporated by reference in this Notice.

The objective of this grant program is to assist viable Independent Producers, Agricultural Producer Groups, Farmer and Rancher Cooperatives, and Majority-Controlled Producer-Based Businesses in starting or expanding value-added activities related to the processing and/or marketing of Value-Added Agricultural Products. Grants will be awarded competitively for either planning or working capital projects directly related to the processing and/or marketing of value-added products. Generating new products, creating and expanding marketing opportunities, and increasing producer income are the end goals of the program. All proposals must demonstrate economic viability and sustainability in order to compete for funding.

Funding priority will be made available to Beginning Farmers and Ranchers, Veteran Farmers and Ranchers, Socially-Disadvantaged Farmers and Ranchers, Operators of Small and Medium-Sized Farms and Ranches structured as Family Farms or Ranches, Farmer or Rancher Cooperatives, and projects proposing to develop a Mid-Tier Value Chain. See 7 CFR 4284.923 for Reserved Funds eligibility and 7 CFR 4284.924 for Priority Scoring eligibility.

Definitions

The terms you need to understand are defined in 7 CFR 4284.902.

B. Federal Award Information

Type of Instrument: Grant.

Approximate Number of Awards: To be determined.

Available Total Funding: To be determined.

Maximum Award Amount: Planning—$75,000; Working Capital—$250,000.

Project Period: Up to 36 months depending on the complexity of the project.

Anticipated Award Date: May 31, 2018.

Reservation of Funds: Ten percent of available funds for applications will be reserved for applications submitted by Beginning and Socially-Disadvantaged Farmers or Ranchers, and an additional ten percent of available funds for applications from farmers or ranchers proposing development of Mid-Tier Value Chains. Reserved funds not obligated prior to June 30, 2018, will be used for the VAPG general competition. If this is the case, Beginning and Socially-Disadvantaged Farmers or Ranchers and applicants proposing Mid-Tier Value Chains will compete with other eligible VAPG applications. In addition, in accordance with Title VII, Section 750 of Public Law 115–30, 10% of FY 2017 funds will be allocated for assistance in persistent poverty counties. Any funds that become available after publishing this notice that will be allocated for assistance in persistent poverty counties will be identified by the Agency at a later date, after the applicable appropriations language has been enacted.

C. Eligibility Information

Applicants must comply with the program regulation 7 CFR part 4284 subpart J in order to meet all of the following eligibility requirements. Required documentation is included in the application package. Applications which fail to meet any of these requirements by the application deadline will be deemed ineligible and will not be evaluated further.

1. Eligible Applicants

You must demonstrate within the application narrative that you meet all the applicant eligibility requirements of 7 CFR 4284.920 and 4284.921. This includes meeting the definition requirements at 7 CFR 4284.902 for one of the following applicant types: Independent Producer, Agricultural Producer Group, Farmer or Rancher Cooperative or Majority-Controlled Producer-Based Business and also meeting the Emerging Market, Citizenship, Legal Authority and Responsibility, Multiple Grants and Active Grants requirements of the section. Required documentation to support eligibility is contained at 7 CFR 4284.931 and in the application package.

Federally-recognized Tribes and tribal entities must demonstrate that they meet the definition requirements for one of the four eligible applicant types. Rural Development State Offices and posted application toolkits will provide additional information on Tribal eligibility.

Per 4284.921, an applicant is ineligible if they have been debarred or suspended or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549, ''Debarment and Suspension.'' In addition, an applicant will be considered ineligible for a grant due to an outstanding judgment obtained by the U.S. in a Federal Court (other than U.S. Tax Court), is delinquent on the payment of Federal income taxes, or is delinquent on Federal debt.

Per 4284.905(a), Applicants must comply with other applicable Federal laws. Applicants who are proposing working capital grants to produce and market value-added products in the industries of wine, beer, distilled spirits or other alcoholic merchandise must comply with Alcohol and Tobacco Tax and Trade Bureau (TTB) regulations, including but not limited to permitting, filing of taxes and operational reports. Please visit TTB's Web site at *https://www.ttb.gov/index.shtml* for more information. If you are not in compliance with TTB's requirements, the Agency may determine that you are not qualified to receive a Federal award and use that determination as a basis for making an award to another applicant. If, at any time after you have already received a VAPG award, you are found to be in noncompliance with TTB's operational reporting or tax requirements, the Agency may determine that you are not in compliance with your grant terms and conditions.

An Applicant may submit only one application in response to a solicitation, and must explicitly direct that it compete in either the general funds competition or in one of the named reserved funds competitions. Multiple applications from separate entities with identical or greater than 75 percent common ownership, or from a parent, subsidiary or affiliated organization (with ''affiliation'' defined by Small Business Administration regulation 13 CFR 121.103, or successor regulation) are not permitted. Further, Applicants who have already received a Planning Grant for the proposed project cannot receive another Planning Grant for the same project. Applicants who have already received a Working Capital Grant for the proposed project cannot receive any additional grants for that project (Proposals from previous award recipients should be substantially different in terms of products and/or markets and should not merely be

extensions of previously funded projects).

2. Cost-Sharing or Matching

There is a matching fund (cost-sharing) requirement of at least $1 for every $1 in grant funds provided by the Agency (matching funds plus grant funds must equal proposed Total Project Cost). Matching funds may be in the form of cash or eligible in-kind contributions. Matching contributions and may be used only for eligible project purposes, including any contributions exceeding the minimum amount required. Applicant matching contributions in the form of raw commodity, time contributed to the project, or other goods or services, must be characterized as in-kind contributions. Donations of goods and service from third-parties must be characterized as in-kind contributions. Tribal applicants may utilize grants made available under Public Law 93–638, the Indian Self-Determination and Education Assistance Act of 1975, as their matching contribution, and should check with appropriate tribal authorities regarding the availability of such funding.

Matching funds must be available at time of application and must be certified and verified as described in 7 CFR 4284.931(b)(3) and (4). Note that matching funds must also be discussed as part of the scoring criterion Commitments and Support as described in section E.1.(c).

3. Project Eligibility

You must demonstrate within the application narrative that you meet all the project eligibility requirements of 7 CFR 4284.922.

(a) *Product eligibility.* Applicants for both planning and working capital grants must meet all requirements at 7 CFR 4284.922(a), including that your value-added product must result from one of the five methodologies identified in the definition of Value-Added Agricultural Product at 7 CFR 4284.902. In addition, you must demonstrate that, as a result of the project, the customer base for the agricultural commodity or value-added product will be expanded, by including a baseline of current customers for the commodity, and an estimated target number of customers that will result from the project; and that, a greater portion of the revenue derived from the marketing or processing of the value-added product is available to the applicant producer(s) of the agricultural commodity, by including a baseline of current revenues from the sale of the agricultural commodity and an estimate of increased revenues that will result from the project.

(b) *Purpose eligibility.* Applicants for both planning and working capital grants must meet all requirements at 7 CFR 4284.922(b) regarding maximum grant amounts, verification of matching funds, eligible and ineligible uses of grant and matching funds, a substantive work plan and budget.

(i) *Planning Grants.* A planning grant is used to fund development of a defined program of economic planning activities to determine the viability of a potential value-added venture, and specifically for the purpose of paying for a qualified consultant to conduct and develop a feasibility study, business plan, and/or marketing plan associated with the processing and/or marketing of a value-added agricultural product. Planning grant funds may not be used to fund working capital activities.

(ii) *Working Capital Grants.* This type of grant provides funds to operate a value-added project, specifically to pay the eligible project expenses directly related to the processing and/or marketing of the value-added product that are eligible uses of grant funds. Working capital funds may not be used for planning purposes.

(c) *Reserved Funds Eligibility.* To qualify for Reserved Funds as a Beginning or Socially-Disadvantaged Farmer or Rancher or if you propose to develop a Mid-Tier Value Chain, you must meet the requirements found at 7 CFR 4284.923. If your application is eligible, but is not awarded under the Reserved Funds, it will automatically be considered for general funds in that same fiscal year, as funding levels permit.

(d) *Priority Points.* To qualify for Priority Points for projects that contribute to increasing opportunities for Beginning Farmers or Ranchers, Socially-Disadvantaged Farmers or Ranchers, or if you are an Operator of a Small or Medium-sized Farm or Ranch structured as a Family Farm, a Veteran Farmer or Rancher, propose a Mid-Tier Value Chain project, or are a Farmer or Rancher Cooperative, you must meet the applicable eligibility requirements at 7 CFR 4284.923 and 4284.924 and must address the relevant proposal evaluation criterion.

Priority points will also be awarded during the scoring process to eligible Agricultural Producer Groups, Farmer or Rancher Cooperatives, and Majority-Controlled Producer-Based Business Ventures that best contribute to creating or increasing marketing opportunities for Beginning Farmers or Ranchers, Socially-Disadvantaged Farmers or Ranchers, and/or Veteran Farmers or Ranchers. You must meet the eligibility requirements at 7 CFR 4284.923 and 4284.924 and must address the relevant proposal evaluation criterion.

4. Eligible Uses of Grant and Matching Funds

Eligible uses of grant and matching funds are discussed, along with examples, in 7 CFR 4284.925. In general, grant and cost-share matching funds have the same use restrictions and must be used to fund only the costs for eligible purposes as defined at 7 CFR 4284.925 (a) and (b).

5. Ineligible Uses of Grant and Matching Funds

Federal procurement standards prohibit transactions that involve a real or apparent Conflict of Interest for owners, employees, officers, agents, or their Immediate Family members having a personal, professional, financial or other interest in the outcome of the project; including organizational conflicts, and conflicts that restrict open and free competition for unrestrained trade. A list (not all-inclusive) of ineligible uses of grant and matching funds is found in 7 CFR 4284.926.

D. Application and Submission Information

1. Address To Request Applications

The application toolkit, regulation, and official program notification for this funding opportunity can be obtained online at *http://www.rd.usda.gov/programs-services/value-added-producer-grants.* You may also contact your USDA Rural Development State Office by visiting *http://www.rd.usda.gov/contact-us/state-offices.* You may also obtain a copy by calling 202–690–1374. The toolkit contains an application checklist, templates, required grant forms, and instructions. Although the Agency highly recommends their use, use of the templates in the toolkit is not mandatory.

2. Content and Form of Application Submission

You may submit your application in paper form or electronically through *Grants.gov.* Your application must contain all required information.

To submit an application electronically, you must follow the instructions for this funding announcement at *http://www.grants.gov.* Please note that we cannot accept emailed or faxed applications.

You can locate the *Grants.gov* downloadable application package for this program by using a keyword, the

program name, or the Catalog of Federal Domestic Assistance Number for this program.

When you enter the *Grants.gov* Web site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

To use *Grants.gov*, you must already have a DUNS number and you must also be registered and maintain registration in SAM. We strongly recommend that you do not wait until the application deadline date to begin the application process through *Grants.gov*.

You must submit all of your application documents electronically through *Grants.gov*.

After electronically submitting an application through *Grants.gov*, you will receive an automatic acknowledgement from *Grants.gov* that contains a *Grants.gov* tracking number.

If you want to submit a paper application, send it to the State Office located in the State where your project will primarily take place. You can find State Office Contact information at: *http://www.rd.usda.gov/contact-us/state-offices.* An optional-use Agency application template is available online at *http://www.rd.usda.gov/programs-services/value-added-producer-grants.*

Your application must contain all of the required forms and proposal elements described in 7 CFR 4284.931, unless otherwise clarified in this Notice. You are encouraged, but not required to utilize the Application Toolkits found at *http://www.rd.usda.gov/programs-services/value-added-producer-grants,* however, you must provide all of the information requested by the template. You must become familiar with the program regulation at 7 CFR part 4284, subpart J in order to submit a successful application. Basic application contents are outlined below:

- Standard Form (SF)–424, ''Application for Federal Assistance,'' to include your DUNS number and SAM (CAGE) code and expiration date (or evidence that you have begun the SAM registration process). Because there are no specific fields for a CAGE code and expiration date, you may identify them anywhere you want to on the form. If you do not include your DUNS number in your application, it will not be considered for funding.
- SF–424A, ''Budget Information-Non-Construction Programs.'' This form must be completed and submitted as part of the application package.
- SF–424B, ''Assurances—Non-Construction Programs.'' This form must be completed, signed, and submitted as part of the application package.
- Form AD–3030, ''Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants,'' if you are a corporation. A corporation is any entity that has filed articles of incorporation in one of the 50 States, the District of Columbia, the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands, or the various territories of the United States including American Samoa, Guam, Midway Islands, the Commonwealth of the Northern Mariana Islands, Puerto Rico, or the U.S. Virgin Islands. Corporations include both for profit and non-profit entities.
- You must certify that there are no current outstanding Federal judgments against your property and that you will not use grant funds to pay for any judgment obtained by the United States. You must also certify that you are not delinquent on the payment of Federal income taxes, or any Federal debt. To satisfy the Certification requirement, you should include this statement in your application: ''[INSERT NAME OF APPLICANT] certifies that the United States has not obtained an unsatisfied judgment against its property, is not delinquent on the payment of Federal income taxes, or any Federal debt, and will not use grant funds to pay any judgments obtained by the United States.'' A separate signature is not required.
- You must provide a valid permit or evidence of having begun the permitting process if you are proposing a working capital grant to produce and market value-added products in the industries of wine, beer, distilled spirits or other alcoholic merchandise.
- Executive Summary and Abstract. A one-page Executive Summary containing the following information: legal name of applicant entity, application type (planning or working capital), applicant type, amount of grant request, a summary of your project, and whether you are submitting a simplified application, and whether you are requesting Reserved Funds. Also include a separate abstract of up to 100 words briefly describing your project.
- Eligibility discussion.
- Work plan and budget.
- Performance evaluation criteria.
- Proposal evaluation criteria.
- Certification and verification of matching funds.
- Reserved Funds and Priority Point documentation (as applicable).
- Appendices containing required supporting documentation.

3. Dun and Bradstreet Data Universal Numbering System (DUNS) and System for Awards Management (SAM)

In order to be eligible (unless you are excepted under 2 CFR 25.110(b), (c) or (d), you are required to:

(a) Provide a valid DUNS number in your application, which can be obtained at no cost via a toll-free request line at (866) 705–5711;

(b) Register in SAM before submitting your application. You may register in SAM at no cost at *https://www.sam.gov/portal/public/SAM/.* You must provide your SAM Cage Code and expiration date or evidence that you have begun the SAM registration process at time of application, and

(c) Continue to maintain an active SAM registration with current information at all times during which you have an active Federal award or an application or plan under consideration by a Federal awarding agency.

If you have not fully complied with all applicable DUNS and SAM requirements, the Agency may determine that the applicant is not qualified to receive a Federal award and the Agency may use that determination as a basis for making an award to another applicant. Please refer to Section F.2 for additional submission requirements that apply to grantees selected for this program.

4. Submission Dates and Times

Application Deadline Date: January 31, 2018.

Explanation of Deadlines: Paper applications must be postmarked and mailed, shipped, or sent overnight by January 31, 2018. The Agency will determine whether your application is late based on the date shown on the postmark or shipping invoice. You may also hand carry your application to one of our field offices, but it must be received by close of business on the deadline date. If the due date falls on a Saturday, Sunday, or Federal holiday, the application is due the next business day. Late applications will automatically be considered ineligible and will not be evaluated further.

Electronic applications must be received at *http://www.grants.gov* no later than midnight Eastern Time, January 24, 2018 to be eligible for funding. Please review the *Grants.gov* Web site at *http://grants.gov/applicants/organization_registration.jsp* for instructions on the process of registering your organization as soon as possible to ensure you are able to meet the electronic application deadline. *Grants.gov* will not accept applications submitted after the deadline.

5. Intergovernmental Review

Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, applies to this program. This E.O. requires that Federal agencies provide opportunities for consultation on proposed assistance with State and local governments. Many States have established a Single Point of Contact (SPOC) to facilitate this consultation. A list of States that maintain a SPOC may be obtained at *http://www.whitehouse.gov/omb/grants_spoc.* If your State has a SPOC, you must submit your application directly for review. Any comments obtained through the SPOC must be provided to RD for consideration as part of your application. If your State has not established a SPOC or you do not want to submit your application to the SPOC, RD will submit your application to the SPOC or other appropriate agency or agencies. Applications from federally recognized Indian tribes are not subject to Intergovernmental Review.

6. Funding Restrictions

Funding limitations and reservations found in the program regulation at 7 CFR 4284.927 will apply, including:

(a) *Use of Funds.* Grant funds may be used to pay up to 50 percent of the total eligible project costs, subject to the limitations established for maximum total grant amount. Grant funds may not be used to pay any costs of the project incurred prior to the date of grant approval. Grant and matching funds may only be used for eligible purposes. (See examples of eligible and ineligible uses in 7 CFR 4284.925 and 4284.926, respectively.)

(b) *Grant Period (project period).* Your project timeframe or grant period can be a maximum of 36 months in length from the date of award. Your proposed grant period should begin no earlier than the anticipated award announcement date in this Notice and should end no later than 36 months following that date. If you receive an award, your grant period will be revised to begin on the actual date of award—the date the grant agreement is executed by the Agency—and your grant period end date will be adjusted accordingly. Your project activities should begin within 90 days of that date of award. The length of your grant period should be based on your project's complexity, as indicated in your application work plan. For example, it is expected that most planning grants can be completed within 12 months.

(c) *Program Income.* If income (Program Income) is earned during the grant period as a result of the project activities, it is subject to the requirements in 2 CFR 200.80, and must be managed and reported accordingly.

(d) *Majority Controlled Producer-Based Business.* The aggregate amount of awards to Majority Controlled Producer-Based Businesses in response to this announcement shall not exceed 10 percent of the total funds obligated for the program during the fiscal year.

(e) *Reserved Funds.* Ten percent of all funds available will be reserved to fund projects that benefit Beginning Farmers or Ranchers, or Socially-Disadvantaged Farmers or Ranchers. In addition, 10 percent of total funding available will be used to fund projects that propose development of Mid-Tier Value Chains as part of a Local or Regional Supply Chain Network. See related definitions in 7 CFR 4284.902. In addition, in accordance with Title VII, Section 750 of Public Law 115–30, 10% of FY 2017 funds will be allocated for assistance in persistent poverty counties. Any funds that become available after publishing this notice that will be allocated for assistance in persistent poverty counties will be identified by the Agency at a later date, after the applicable appropriations language has been enacted.

(f) *Disposition of Reserved Funds Not Obligated.* For this announcement, any reserved funds that have not been obligated by June 30, 2018, will be available to the Secretary to make VAPG grants in accordance with 7 CFR 4284.927.

7. Other Submission Requirements

(a) National Environmental Policy Act

This Notice has been reviewed in accordance with 7 CFR part 1970, ''Environmental Policies and Procedures.'' We have determined that an Environmental Impact Statement is not required because the issuance of regulations and instructions, as well as amendments to them, describing administrative and financial procedures for processing, approving, and implementing the Agency's financial programs is categorically excluded in the Agency's National Environmental Policy Act (NEPA) regulation found at 7 CFR 1970.53(f). We have determined that this Notice does not constitute a major Federal action significantly affecting the quality of the human environment.

The Agency will review each grant application to determine its compliance with 7 CFR part 1970. The applicant may be asked to provide additional information or documentation to assist the Agency with this determination.

(b) Civil Rights Compliance Requirements

All grants made under this Notice are subject to Title VI of the Civil Rights Act of 1964 as required by the USDA (7 CFR part 15, subpart A) and Section 504 of the Rehabilitation Act of 1973.

E. Application Review Information

Applications will be reviewed and processed as described at 7 CFR 4284.940. The Agency will review your application to determine if it is complete and eligible. If at any time, the Agency determines that your application is ineligible, you will be notified in writing as to the reasons it was determined ineligible and you will be informed of your review and appeal rights. Funding of successfully appealed applications will be limited to available funds.

The Agency will only score applications in which the applicant and project are eligible, which are complete and sufficiently responsive to program requirements, and in which the Agency agrees on the likelihood of financial feasibility for working capital requests. We will score your application according to the procedures and criteria specified in 7 CFR 4284.942, and with tiered scoring thresholds as specified below.

1. Scoring Criteria

For each criterion, you must show how the project has merit and why it is likely to be successful. Your complete response to each criterion must be included in the body of the application, including summarizations of any feasibility studies, business and marketing plans (please note that feasibility studies, business or marketing plants are not provided to reviewers). If you do not address all parts of the criterion, or do not sufficiently communicate relevant project information, you will receive lower scores. VAPG is a competitive program, so you will receive scores based on the quality of your responses. Simply addressing the criteria will not guarantee higher scores. The maximum number of points that can be awarded to your application is 100. For this announcement, the minimum score requirement for funding is 50 points.

The Agency application toolkit provides additional instruction to help you to respond to the criteria below.

(a) Nature of the Proposed Venture (Graduated Score 0–30 Points)

For both planning and working capital grants, you must discuss the technological feasibility of the project, as well as operational efficiency,

profitability, and overall economic sustainability resulting from the project. You must also demonstrate the potential for expanding the customer base for the agricultural commodity or value-added product, and the expected increase in revenue returns to the producer-owners providing the majority of the raw agricultural commodity to the project. Working capital applicants must also provide the potential number of jobs that will result from the project, along with a justifiable basis for these projections. Please see the application template for more information. All applicants must reference and summarize third-party data and other information that specifically supports your value-added project; discuss the value-added process you are proposing; potential markets and distribution channels; the value to be added to the raw commodity through the value-added process; cost and availability of inputs, your experience in marketing the proposed or similar product; business financial statements; and any other relevant information that supports the viability of your project. Working capital applicants should demonstrate that these outcomes will result from the project and include supportable projections of increase in customer base, revenue returned to producers and jobs resulting from the project in order to receive up to the maximum number of points. Planning grant applicants should describe the expected results, and the reasons supporting those expectations.

Points will be awarded as follows:

(i) 0 points will be awarded if you do not substantively address the criterion.

(ii) 1–5 points will be awarded if you do not address each of the following: Technological feasibility, operational efficiency, profitability, and overall economic sustainability.

(iii) 6–13 points will be awarded if you address technological feasibility, operational efficiency, profitability, and overall economic sustainability, but do not reference third-party information that supports the success of your project.

(iv) 14–22 points will be awarded if you address technological feasibility, operational efficiency, profitability, and overall economic, supported by third-party information demonstrating a reasonable likelihood of success.

(v) 23–30 points will be awarded if all criterion components are well addressed, supported by third-party information, and demonstrate a high likelihood of success.

(b) Qualifications of Project Personnel (Graduated Score 0–20 Points)

You must identify all individuals who will be responsible for completing the proposed tasks in the work plan, including the roles and activities that owners, staff, contractors, consultants or new hires may perform; and show that these individuals have the necessary qualifications and expertise, including those hired to do market or feasibility analyses, or to develop a business operations plan for the value-added venture. You must include the qualifications of those individuals responsible for leading or managing the total project (applicant owners or project managers), as well as those individuals responsible for actually conducting the various individual tasks in the work plan (such as consultants, contractors, staff or new hires). You must discuss the commitment and the availability of any consultants or other professionals to be hired for the project—especially those who may be consulting on multiple VAPG projects. If staff or consultants have not been selected at the time of application, you must provide specific descriptions of the qualifications required for the positions to be filled. Applications that demonstrate the strong credentials, education, capabilities, experience and availability of project personnel that will contribute to a high likelihood of project success will receive more points than those that demonstrate less potential for success in these areas.

Points will be awarded as follows:

(i) 0 points will be awarded if you do not substantively address the criterion.

(ii) 1–4 points will be awarded if qualifications and experience of all staff is not addressed and/or if necessary qualifications of unfilled positions are not provided.

(iii) 5–9 points will be awarded if all project personnel are identified but do not demonstrate qualifications or experience relevant to the project.

(iv) 10–14 will be awarded if most key personnel demonstrate strong credentials and/or experience, and availability indicating a reasonable likelihood of success.

(v) 15–20 points will be awarded if all personnel demonstrate strong, relevant credentials or experience, and availability indicating a high likelihood of project success.

(c) Commitments and Support (Graduated Score 0–10 Points)

Producer commitments to the project will be evaluated based on the number of independent producers currently involved in the project; and the nature, level and quality of their contributions, including matching contributions. End-user commitments will be evaluated on the basis of potential or identified markets and the potential amount of output to be purchased, as indicated by letters of intent or contracts from potential buyers referenced within the application. Other third-party commitments to the project will be evaluated based on the critical and tangible nature of their contribution to the project, such as technical assistance, storage, processing, marketing, or distribution arrangements that are necessary for the project to proceed; and the level and quality of these contributions. All cash or in-kind contributions from the applicant, other producers, end users, or other contributors should be discussed. End-user commitments may include contracts or letters of intent or interest in purchasing the value-added product. Letters of commitment by producers, end-users, and third-parties should be summarized as part of your response to this criterion, and the letters must be included in Appendix B. Applications that demonstrate the project has strong direct financial support in the form of cash matching contributions and strong technical and logistical support to successfully complete the project will receive more points than those that demonstrate less potential for success in these areas. Please note that because applications with cash matching contributions are awarded more points than those pledging only in-kind contributions, applicants will not be able to substitute an in-kind match for cash after awards are made.

Points will be awarded as follows:

(i) 0 points will be awarded if you do not substantively address the criterion.

(ii) 1–3 points will be awarded if you are the only producer participating in the project, AND show real, direct support from at least one end-user or third-party contributor.

(iii) 4–6 points will be awarded if you, as the applicant, are the only producer participating in the project, AND show strong financial commitment in the form of cash matching contributions to the project AND measurable commitment or interest in purchasing the value-added product from at least one end-user; AND commitment or tangible support from at least one other third-party contributor; OR you, as the applicant, demonstrate participation from multiple producers, AND measurable commitment or interest in purchasing the value-added product from at least one end-user; AND commitment or tangible support from at least one third party contributor.

(iv) 7–10 points will be awarded if you, as the applicant, show strong financial commitment to the project in the form of cash matching contributions, AND participation from additional producers, AND measurable commitment or interest from multiple end-users, AND commitment or tangible support from multiple third-party contributors.

(d) Work Plan and Budget (Graduated Score 0–20 Points)

You must submit a comprehensive work plan and budget (for full details, see 7 CFR 4284.922(b)(5)). Your work plan must provide specific and detailed descriptions of the tasks and the key project personnel that will accomplish the project's goals. The budget must present a detailed breakdown of all estimated costs of project activities and allocate those costs among the listed tasks. You must show the source and use of both grant and matching funds for all tasks. Matching funds must be spent at a rate equal to, or in advance of, grant funds. An eligible start and end date for the entire project, as well as for each individual project task must be clearly shown. The project timeframe must not exceed 36 months and should be scaled to the complexity of the project. Working capital applications must include an estimate of program income expected to be earned during the grant period (see 2 CFR 200.307).

Points will be awarded as follows:

(i) 0 points will be awarded if you do not substantively address the criterion.

(ii) 1–7 points will be awarded if the work plan and budget do not account for all project goals, tasks, costs, timelines, and responsible personnel.

(iii) 8–14 points will be awarded if you provide a clear, comprehensive work plan detailing all project goals, tasks, timelines, costs, and responsible personnel in a logical and realistic manner that demonstrates a reasonable likelihood of success.

(iv) 15–20 points will be awarded if you provide a clear, comprehensive work plan detailing all project goals, tasks, timelines, costs, and responsible personnel in a logical and realistic manner that demonstrates a high likelihood of success.

(e) Priority Points Up to 10 Points (Lump Sum 0 or 5 Points Plus Graduated Score 0–5 Points)

It is recommended that you use the Agency application package when applying for priority points and refer to the requirements specified in 7 CFR 4284.924. Priority points may be awarded in both the general funds and Reserved Funds competitions.

(i) 5 points will be awarded if you meet the requirements for one of the following categories and provide the documentation described in 7 CFR 4284.923 and 4284.924 as applicable: Beginning Farmer or Rancher, Socially-Disadvantaged Farmer or Rancher, Veteran Farmer or Rancher, or Operator of a Small or Medium-sized Farm or Ranch that is structured as a Family Farm, Farmer or Rancher Cooperative, or are proposing a Mid-Tier Value Chain project.

(ii) Up to 5 priority points will be awarded if you are an Agricultural Producer Group, Farmer or Rancher Cooperative, or Majority-Controlled Producer-Based Business Venture (referred to below as ''applicant group'') whose project ''best contributes to creating or increasing marketing opportunities'' for Operators of Small- and Medium-sized Farms and Ranches that are structured as Family Farms, Beginning Farmers and Ranchers, Socially-Disadvantaged Farmers and Ranchers, and Veteran Farmers and Ranchers (referred to below as ''priority groups''). For each of the priority point levels below, applications must demonstrate how the proposed project will contribute to new or increased marketing opportunities for respective priority groups. Guidance on relevant information required to adequately demonstrate this requirement can be found in program application package.

(A) 2 priority points will be awarded if the existing membership of the applicant group is comprised of either more than 50 percent of any one of the four priority groups or more than 50 percent of any combination of the four priority groups.

(B) 1 priority point will be awarded if the existing membership of the applicant group is comprised of two or more of the priority groups. One point is awarded regardless of whether a group's membership is comprised of two, three, or all four of the priority groups.

(C) 2 priority points will be awarded if the applicant's proposed project will increase the number of priority groups that comprise applicant membership by one or more priority groups. However, if an applicant group's membership is already comprised of all four priority groups, such an applicant would not be eligible for points under this criterion because there is no opportunity to increase the number of priority groups. Note also that this criterion does not consider either the percentage of the existing membership that is comprised of the four priority groups or the number of priority groups currently comprising the applicant group's membership.

(f) Priority Categories (Graduated Score 0–10 Points)

The Administrator of the Agency may choose to award up to 10 points to an application to improve the geographic diversity of awardees and/or foster persistent poverty counties and/or help reduce unemployment through job creation in a fiscal year.

2. Review and Selection Process

The Agency will select applications for award under this Notice in accordance with the provisions specified in 7 CFR 4284.950(a).

If your application is eligible and complete, it will be qualitatively scored by at least two reviewers based on criteria specified in section E.1. of this Notice. One of these reviewers will be an experienced RD employee from your servicing State Office and at least one additional reviewer will be a non-Federal, independent reviewer, who must meet the following qualifications. Independent reviewers must have at least a bachelor's degree in one or more of the following fields: Agri-business, agricultural economics, agriculture, animal science, business, marketing, economics or finance; and a minimum of 8 years of experience in an agriculture-related field (*e.g.,* farming, marketing, consulting, or research; or as university faculty, trade association official or non-Federal government official in an agriculturally-related field). Each reviewer will score evaluation criteria (a) through (d) and the totals for each reviewer will be added together and averaged. The RD State Office reviewer will also assign priority points based on criterion (e) in section E.1. of this Notice. These will be added to the average score. The sum of these scores will be ranked highest to lowest and this will comprise the initial ranking.

The Administrator of the Agency may choose to award up to 10 Administrator priority points based on criterion (f) in section E.1. of this Notice. These points will be added to the cumulative score for a total possible score of 100.

A final ranking will be obtained based solely on the scores received for criteria (a) through (e). A minimum score of 50 points is required for funding. Applications for Reserved Funds will be funded in rank order until funds are depleted. Unfunded reserve applications will be returned to the general funds where applications will be funded in rank order until the funds are expended. Funding for Majority Controlled Producer-Based Business

Ventures is limited to 10 percent of total grant funds expected to be obligated as a result of this Notice. These applications will be funded in rank order until the funding limitation has been reached. Grants to these applicants from Reserved Funds will count against this funding limitation. In the event of tied scores, the Administrator shall have discretion in breaking ties.

If your application is ranked, but not funded, it will not be carried forward into the next competition.

F. Federal Award Administration Information

1. Federal Award Notices

If you are selected for funding, you will receive a signed notice of Federal award by postal mail, containing instructions on requirements necessary to proceed with execution and performance of the award.

If you are not selected for funding, you will be notified in writing via postal mail and informed of any review and appeal rights. Funding of successfully appealed applications will be limited to available funding.

2. Administrative and National Policy Requirements

Additional requirements that apply to grantees selected for this program can be found in 7 CFR part 4284, subpart J; the Grants and Agreements regulations of the Department of Agriculture codified in 2 CFR parts 180, 400, 415, 417, 418, 421; 2 CFR parts 25 and 170; and 48 CFR 31.2, and successor regulations to these parts.

In addition, all recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive compensation (see 2 CFR part 170). You will be required to have the necessary processes and systems in place to comply with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109–282) reporting requirements (see 2 CFR 170.200(b), unless you are exempt under 2 CFR 170.110(b)). More information on these requirements can be found at *http://www.rd.usda.gov/programs-services/value-added-producer-grants.*

The following additional requirements apply to grantees selected for this program:

(a) Agency approved Grant Agreement.

(b) Letter of Conditions.

(c) Form RD 1940–1, ''Request for Obligation of Funds.''

(d) Form RD 1942–46, ''Letter of Intent to Meet Conditions.''

(e) Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Covered Transactions.''

(f) Form AD–1048, ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions.''

(g) Form AD–1049, ''Certification Regarding a Drug-Free Workplace Requirement (Grants).''

(h) Form AD–3031, ''Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants.'' Must be signed by corporate applicants who receive an award under this Notice.

(i) Form RD 400–4, ''Assurance Agreement.''

(j) SF LLL, ''Disclosure of Lobbying Activities,'' if applicable.

(k) Use Form SF 270, ''Request for Advance or Reimbursement.''

3. Reporting

After grant approval and through grant completion, you will be required to provide the following, as indicated in the Grant Agreement:

(a) A SF–425, ''Federal Financial Report,'' and a project performance report will be required on a semiannual basis (due 30 working days after end of the semiannual period). For the purposes of this grant, semiannual periods end on March 31st and September 30th. The project performance reports shall include the elements prescribed in the grant agreement.

(b) A final project and financial status report within 90 days after the expiration or termination of the grant.

(c) Provide outcome project performance reports and final deliverables.

G. Solicitation of Non-Federal Independent Grant Reviewers

Rural Development is seeking non-Federal independent grant reviewers under this Notice. Reviewers must be able to use their professional knowledge and experience to evaluate and score VAPG program applications against the evaluation criteria published in this Notice, and effectively communicate their findings in writing.

1. Qualifications

All reviewers must meet the following qualifications.

(a) Have at least a bachelor's degree in one or more of the following fields: Agri-business, agricultural economics, business, marketing, economics or finance, and

(b) A minimum of 8 years of experience in an agriculture-related field (*e.g.,* farming, marketing, consulting, or research; or as university faculty, trade association official or non-Federal government official in an agriculturally-related field).

2. Ethical Standards

Prospective reviewers must be able to exercise the highest level of ethical standards in avoiding conflict of interests and maintaining confidentiality.

(a) Conflict of Interest

Individuals selected as non-Federal independent grant reviewers will be required to certify that they do not have a conflict of interest or an appearance thereof with any VAPG application they are assigned to review. This may include but is not limited to certification that they did not apply for a VAPG grant, and are not affiliated with persons or organizations applying for VAPG funds.

(b) Confidentiality

Reviewers will also be required to sign a certification statement regarding the safeguarding of information contained in assigned applications.

Failure to identify a conflict-of-interest or the unauthorized disclosure of information may subject reviewers to administrative sanction, *i.e.,* removal from the current review and/or disqualification from involvement in future reviews of grant applications.

3. Training

All reviewers must review and understand program requirements and must attend a mandatory training webinar.

4. System Requirements

(a) Reviewers must have reliable internet access using Internet Explorer and be able to reliably both access applications and submit scores electronically; and

(b) All reviewers must be able to complete requirements for, obtain, and maintain USDA Level 2 e-Authorization credentialing.

To apply, please send a resume addressing relevant qualifications and experience to *CPGrants@wdc.usda.gov* by February 15, 2018.

H. Agency Contacts

If you have questions about this Notice, please contact the State Office as identified in the **ADDRESSES** section of this Notice. You are also encouraged to visit the application Web site for application tools, including an application guide and templates. The Web site address is: *http://www.rd.usda.gov/programs-services/value-added-producer-grants.* You may

also contact National Office staff: Tracey Kennedy, VAPG Program Lead, *tracey.kennedy@wdc.usda.gov,* or Shantelle Gordon, *shantelle.gordon@wdc.usda.gov,* or call the main line at 202–690–1374.

I. Nondiscrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by:

(1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410;

(2) *Fax:* (202) 690–7442; or

(3) *Email: program.intake@usda.gov.*

Dated: August 24, 2017.

Chad Parker,

Acting Administrator, Rural Business-Cooperative Service.

[FR Doc. 2017–18306 Filed 8–28–17; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet September 12, 2017, 9:00 a.m., Room 1412, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

Public Session

1. Opening remarks by the Chairman
2. Opening remarks by the Bureau of Industry and Security
3. Presentation of papers or comments by the Public
4. Export Enforcement update
5. Regulations update
6. Working group reports
7. Automated Export System update

Closed Session

8. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 25 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov* no later than September 5, 2017.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to Ms. Springer via email.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 15, 2017, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 § § 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information, call Yvette Springer at (202) 482–2813.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2017–18215 Filed 8–28–17; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF629

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of SEDAR 52 assessment scoping webinar for Gulf of Mexico red snapper.

SUMMARY: The SEDAR 52 assessment process of Gulf of Mexico red snapper will consist of an In-person Workshop, and a series of assessment webinars. See **SUPPLEMENTARY INFORMATION**:

DATES: The SEDAR 52 assessment scoping webinar will be held September 21, 2017, from 10 a.m. to 12 p.m. Eastern Time.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (See Contact Information Below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in

the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the assessment scoping webinar are as follows:

Panelists will review the data sets being considered for the assessment and discuss initial modeling efforts.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 24, 2017.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–18300 Filed 8–28–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF617

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, September 20, 2017 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Fairfield Inn & Suites, 185 MacArthur Drive, New Bedford, MA 02740; phone: (774) 634–2000.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Committee will review preliminary 2017 scallop survey results and discuss initial recommendations from the Scallop Plan Development Team (PDT) for FY 2018 and FY 2019 (default) fishery specifications (Framework 29). They also plan to review and provide input on Framework 29 management measures; which include: (1) Northern Gulf of Maine Management Measures; (2) Development and modification of flatfish accountability measures; (3) Modifying access area boundaries to be consistent with potential changes to habitat and groundfish mortality closures through OHA2. The committee will review and discuss results from the LAGC IFQ program review. They will also develop a list of potential 2018 scallop work priorities. Additionally, the committee will discuss whether there are any regulations in the Scallop FMP that could be eliminated, improved, or streamlined. Several recent Executive Orders have been issued about streamlining current regulations, and NOAA is seeking public input on the efficiency and effectiveness of current regulations and whether they can be improved. The committee will review Advisory Panel recommendations. They will also continue in a closed door session to review applications to the Advisory Panel. Other business may be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 24, 2017.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–18299 Filed 8–28–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF643

Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Pacific Council)

and its advisory entities will hold public meetings.

DATES: The Pacific Council and its advisory entities will meet September 11–18, 2017. The Pacific Council meeting will begin on Wednesday, September 13, 2017 at 9 a.m. Pacific Daylight Time (PDT), reconvening at 8 a.m. each day through Monday, September 18, 2017. All meetings are open to the public, except a closed session will be held from 8 a.m. to 9 a.m., Wednesday, September 13 to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: Meetings of the Pacific Council and its advisory entities will be held at the Riverside Hotel, 2900 Chinden Blvd., Boise, ID; telephone: (208) 343–1871.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220. Instructions for attending the meeting via live stream broadcast are given under **SUPPLEMENTARY INFORMATION**, below.

FOR FURTHER INFORMATION CONTACT: Mr. Chuck Tracy, Executive Director; telephone: (503) 820–2280 or (866) 806–7204 toll-free; or access the Pacific Council Web site, *http://www.pcouncil.org* for the current meeting location, proposed agenda, and meeting briefing materials.

SUPPLEMENTARY INFORMATION: The September 11–18, 2017 meeting of the Pacific Council will be streamed live on the internet. The broadcasts begin initially at 9 a.m. PDT Wednesday, September, 2017 and continue at 8 a.m. daily through Monday, September 18, 2017. Broadcasts end daily at 6 p.m. PDT or when business for the day is complete. Only the audio portion and presentations displayed on the screen at the Pacific Council meeting will be broadcast. The audio portion is listen-only; you will be unable to speak to the Pacific Council via the broadcast. To access the meeting online please use the following link: *http://www.gotomeeting.com/online/webinar/join-webinar* and enter the September Webinar ID, 897–986–459, and your email address. You can attend the webinar online using a computer, tablet, or smart phone, using the GoToMeeting application. It is recommended that you use a computer headset to listen to the meeting, but you may use your telephone for the audio-only portion of the meeting. The audio portion may be attended using a telephone by dialing the toll number 1–562–247–8422 (not a toll-free number), audio access code 862–846–290, and entering the audio pin shown after joining the webinar.

The following items are on the Pacific Council agenda, but not necessarily in this order. Agenda items noted as ''Final Action'' refer to actions requiring the Council to transmit a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act. Additional detail on agenda items, Council action, advisory entity meeting times, and meeting rooms are described in Agenda Item A.5, Proposed Council Meeting Agenda, and will be in the advance September 2017 briefing materials and posted on the Pacific Council Web site at *www.pcouncil.org* no later than August 25, 2017.

A. Call to Order
1. Opening Remarks
2. Council Member Appointments
3. Roll Call
4. Executive Director's Report
5. Approve Agenda

B. Open Comment Period
1. Comments on Non-Agenda Items

C. Coastal Pelagic Species Management
1. Acoustic Trawl Survey Methodology Review Terms of Reference

D. Habitat
1. Current Habitat Issues

E. Groundfish Management
1. National Marine Fisheries Service Report
2. Off-Year Science Improvements
3. Stock Assessment Methodology Review
4. Coastwide Non-whiting Midwater Trawl Exempted Fishing Permit (EFP) Final Action and Gear Modification EFP Review
5. Flexibility in Annual Catch Limit Management Response, Scoping
6. Electronic Monitoring—Preliminary Pacific Halibut Discard Mortality Rates and Third-Party Review
7. Trawl Catch Share Review, Preliminary Range of Follow-On Actions, and Intersector Allocation
8. Adopt Final Stock Assessments
9. Initial Harvest Specifications and Management Measure Actions for 2019–2020 Management
10. Final Actions on Inseason Adjustments

F. Salmon Management
1. Methodology Review Final Topic Selection
2. Sacramento River Winter Chinook Control Rule, Preliminary Recommendations

G. Pacific Halibut Management
1. 2018 and Beyond Catch Sharing Plan and Annual Regulation Changes

H. Administrative Matters
1. Legislative Matters
2. Fiscal Matters
3. Approval of Council Meeting Record
4. Membership Appointments and Council Operating Procedures
5. Future Council Meeting Agenda and Workload Planning

I. Ecosystem-Based Management
1. Climate Vulnerability Assessment Report
2. Fishery Ecosystem Plan Initiatives: Scoping and Selection

J. Highly Migratory Species Management
1. National Marine Fisheries Service Report
2. Swordfish Management Project Planning
3. Recommendations for International Management Activities
4. Fishery Management Plan Amendment 4: Status Determination Criteria Final Action
5. Proposed Deep-Set Buoy Gear Exempted Fishing Permits
6. Authorization of Deep-Set Buoy Gear and Federal Permitting

Advisory Body Agendas

Advisory body agendas will include discussions of relevant issues that are on the Pacific Council agenda for this meeting, and may also include issues that may be relevant to future Council meetings. Proposed advisory body agendas for this meeting will be available on the Pacific Council Web site *http://www.pcouncil.org/council-operations/council-meetings/current-briefing-book/* no later than Friday, August 25, 2017.

Schedule of Ancillary Meetings

Day 1—Monday, September 11, 2017

Scientific and Statistical Committee Ecosystem Subcommittee 10 a.m.

Day 2—Tuesday, September 12, 2017

Ecosystem Advisory Subpanel 8 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Habitat Committee 8 a.m.
Sacramento River Winter Chinook Workgroup 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Scientific and Statistical Committee 8 a.m.
Legislative Committee 1 p.m.
Budget Committee 2:30 a.m.

Day 3—Wednesday, September 13, 2017

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Ecosystem Advisory Subpanel 8 a.m.
Ecosystem Workgroup 8 a.m.

Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Sacramento River Winter Chinook Workgroup 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Scientific and Statistical Committee 8 a.m.
Enforcement Consultants 3 p.m.

Day 4—Thursday, September 14, 2017

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Ecosystem Advisory Subpanel 8 a.m.
Ecosystem Workgroup 8 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Highly Migratory Species Advisory Subpanel 8 a.m.
Highly Migratory Species Management Team 8 a.m.
Scientific and Statistical Committee Ecosystem Subcommittee 8 a.m.
Enforcement Consultants Ad Hoc
Groundfish Stock Assessment Presentation/Q & A 7:30 p.m.

Day 5—Friday, September 15, 2017

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Highly Migratory Species Advisory Subpanel 8 a.m.
Highly Migratory Species Management Team 8 a.m.
Enforcement Consultants Ad Hoc

Day 6—Saturday, September 16, 2017

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Highly Migratory Species Advisory Subpanel 8 a.m.
Highly Migratory Species Management Team 8 a.m.
Enforcement Consultants Ad Hoc

Day 7—Sunday, September 17, 2017

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Enforcement Consultants Ad Hoc

Day 8—Monday, September 18, 2017

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.

Although non-emergency issues not contained in this agenda may come before the Pacific Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Pacific Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2280, ext. 411 at least 10 business days prior to the meeting date.

Dated: August 24, 2017.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–18277 Filed 8–24–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF608

Taking Marine Mammals Incidental to the U.S. Air Force 86 Fighter Weapons Squadron Conducting Long Range Strike Weapons System Evaluation Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of issuance of Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) and implementing regulations, notice is hereby given that a Letter of Authorization (LOA) has been issued to the U.S. Air Force (USAF) 86 Fighter Weapon Squadron (86 FWS) to take marine mammals incidental to Long Range Strike (LRS) Weapons System Evaluation Program (WSEP) exercises on the Barking Sands Underwater Range Expansion (BSURE) area of the Pacific Missile Range Facility (PMRF) off Kauai, Hawaii. These activities are considered military readiness activities pursuant to the MMPA, as amended by the National Defense Authorization Act of 2004 (NDAA).

DATES: This LOA is valid from August 21, 2017, through August 20, 2022.

ADDRESSES: The LOA and supporting documents may be obtained online at: *www.nmfs.noaa.gov/pr/permits/incidental/military.htm.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Jaclyn Daly, Office of Protected Resources, NMFS, 301–427–8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued. Under the MMPA, the term ''take'' means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill marine mammals. NMFS has been delegated the authority to issue regulations and Letters of Authorizations allowing the take of marine mammals incidental to specified activities.

The NDAA (Pub. L. 108–136) removed the ''small numbers'' and ''specified geographical region'' limitations indicated above and amended the definition of ''harassment'' as it applies to a ''military readiness activity'' to read as follows (Section 3(18)(B) of the MMPA): ''(i) Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) Any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered (Level B Harassment).''

An authorization for incidental taking shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s); will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant); and, if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the

species or stock through effects on annual rates of recruitment or survival.''

Regulations governing the taking of individuals of 16 species of marine mammals, representing 16 stocks, by Level B harassment, and 4 of those same species by Level A harassment, incidental to 86 FWS LRS WSEP training activities are valid from August 21, 2017, through August 20, 2022 and are codified at 50 CFR part 218, subpart F. The regulations include mitigation, monitoring, and reporting requirements. Pursuant to those regulations, NMFS issued a five-year LOA for the incidental take of marine mammals during training activities on BSURE area of the PMRF on April 21, 2017. For detailed information on this action, please refer to the August 22, 2017 **Federal Register** notice (82 FR 39684) and 50 CFR part 218, subpart F.

Summary of Request

On December 21, 2016, NMFS received an adequate and complete application from the 86 FWS for regulations governing the taking of 16 species of marine mammals representing 16 stocks incidental to LRS WSEP activities in the BSURE of the PMRF off Kauai, Hawaii. On January 6, 2017, we published a notice of receipt of the 86 FWS's application in the **Federal Register** (82 FR 1702) requesting public comment on the application and subsequently published a notice of proposed rulemaking in the **Federal Register** on May 5, 2017 (82 FR 21156) requesting public comment on the proposed rule. Since publishing the proposed rule, the 86 FWS clarified training would only occur four days per year, not five as presented in the application and proposed rule. Moreover, the 86 FWS decreased the number of munitions it would deploy annually, by 40 to 92 percent depending on year. This decreases the number of anticipated and authorized takes for this activity compared to what was presented in the proposed rule. In addition, NMFS worked with the 86 FWS to develop a comprehensive marine mammal mitigation and monitoring plan designed to decrease potential impacts to marine mammals. To support issuance of the LOA, NMFS adopted the 86 FWS' *Final Environmental Assessment/Overseas Environmental Assessment (EA/OEA) for the Long Range Strike Weapon Systems Evaluation Program at Kauai, Hawaii,* and issued a Finding of No Significant Impact (FONSI) on August 11, 2017.

The final rule (82 FR 39684, August 22, 2017) and 86 FWS EA/OEA include a complete description of the 86 FWS's specified training activities incidental to which NMFS is authorizing take of marine mammals. Air-to-surface exercises involving surface and slightly subsurface live munition detonations are the stressors most likely to result in impacts on marine mammals that could rise to the level of harassment.

Authorization

We have issued a LOA to the 86 FWS authorizing the take of marine mammals, by harassment, incidental to LRS WSEP training activities on the BSURE area of the PMRF as described above. The level and type of take authorized by the LOA is the same as the level and type of take analyzed in the final rule (82 FR 39864, August 22, 2017). Take by mortality or serious injury is not anticipated or authorized. Take of marine mammals will be minimized through implementation of mitigation and monitoring measures, including: Aerial surveys using sensor pods and range camera monitoring before, during, and after training; delaying exercises if a marine mammal is observed within an exclusion zone to avoid exposing marine mammals to levels of explosives likely to result in injury or death; delaying exercises if marine mammals are observed within a designated harassment zone if take is exceeded or not authorized, and shifting target coordinates as far from an observed marine mammal as possible. The 86 FWS is required to also comply with monitoring and reporting measures under 50 CFR 218.55 which includes collecting data from the PMRF hydrophones to better understand impacts, if any, of LRS WSEP training activities on marine mammals. Additionally, the rule and LOA include an adaptive management component that allows for timely modification of mitigation or monitoring measures based on new information, when appropriate. For full details on the mitigation, monitoring, and reporting requirements, please refer to the final rule (82 FR 39684; August 22 2017).

Issuance of the LOA is based on findings, described in the preamble to the final rule, that the total taking of marine mammals incidental to the 86 FWS's training activities on the PMRF will have a negligible impact on the affected marine mammal species or stocks and will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

The LOA will remain valid through August 20, 2022, provided the 86 FWS remains in conformance with the conditions of the regulations and the LOA, including the mitigation, monitoring, and reporting requirements described in 50 CFR part 218, subpart F and the LOA.

Dated: August 24, 2017.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–18260 Filed 8–28–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF644

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a 3-day meeting of its Standing, Reef Fish, and Socioeconomics Scientific and Statistical Committees (SSC).

DATES: The meeting will convene on Tuesday, September 12, 2017, from 9 a.m. to 5 p.m., Wednesday, September 13, 2017, from 8:30 a.m. to 5 p.m. and Thursday, September 14, 2017, from 8:30 a.m. to 2 p.m. EDT.

ADDRESSES: The meeting will be held in the Gulf Council's Conference Room.

Council address: Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Steven Atran, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; *steven.atran@gulfcouncil.org,* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Day 1—Tuesday, September 12, 2017; 9 a.m.–5 p.m.

I. Introductions and Adoption of Agenda
II. Approval of Minutes
  a. March 27–29, 2017 SSC meeting
  b. May 10, 2017 SSC webinar
III. Selection of SSC representative at October 2–5, 2017 Council meeting in Biloxi, MS

Standing and Socioeconomic SSC Session

IV. Grouper and Tilefish 5-year IFQ Review
  a. Safety at sea
  b. Stakeholders survey

Standing, Socioeconomic and Reef Fish SSC Session

V. Alternative Approaches to Recreational Red Snapper Management
  a. Review of relevant legislative approaches
  b. Other alternative approaches to recreational red snapper management

Standing and Reef Fish SSC Session

VI. Further Development of a Stock Assessment Prioritization Spreadsheet

Day 2—Wednesday, September 13, 2017: 8:30 a.m.–5 p.m.

VII. Review of Draft Status Determination Criteria Options Paper
VIII. A Comparison of Recent Stock Assessment Results Using SS3 vs. DLMToolkit
  a. Greater amberjack
  b. Gray triggerfish
IX. SEDAR Activities
  a. Status of SEDAR 48—black grouper benchmark assessment
  b. FWC Gulf hogfish update assessment—Terms of Reference
  c. SEDAR 61 Gulf red grouper standard assessment
  i. Terms of reference
  ii. Project schedule
  iii. Assessment workshop appointments
X. Review of Draft Generic Amendment—Carry-over Provision and Framework Modifications
  a. Simulation of the Effect of Carrying Over Unused ACL

Day 3—Thursday, September 14, 2017: 8:30 a.m.–2 p.m.

XI. Evaluating Robustness of Harvest Control Rules to Future Red Tide Events
XII. Spawning Aggregations in the Gulf of Mexico
  a. RESTORE Act Science Program project on spawning aggregations in the Gulf of Mexico
  b. Prediction and Verification of Snapper-Grouper Spawning Aggregation Sites on the Offshore Banks of the Northwestern Gulf of Mexico
XIII. Review of Framework Action to Modify the ACT for Red Snapper Federal For-Hire and Private Angler Components
XIV. Review of Closed Season Decision Tool and Analysis for Greater Amberjack
XV. Tentative 2018 SSC Meeting Dates
XVI. Other Business
—Meeting Adjourns

You may register for the SSC Meeting: Standing, Reef Fish, and Socioeconomic on September 12–14, 2017 at: *https://attendee.gotowebinar.com/register/4690969987648505603.*

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on the Council's file server. To access the file server, the URL is *https://public.gulfcouncil.org:5001/webman/index.cgi,* or go to the Council's Web site and click on the FTP link in the lower left of the Council Web site (*http://www.gulfcouncil.org*). The username and password are both ''gulfguest''. Click on the ''Library Folder'', then scroll down to ''SSC meeting—2017–09''.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committee will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Gulf Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Dated: August 24, 2017.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–18302 Filed 8–28–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF631

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of SEDAR 51 assessment webinar III for Gulf of Mexico gray snapper.

SUMMARY: The SEDAR 51 assessment process of Gulf of Mexico gray snapper will consist of a Data Workshop, a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 51 assessment webinar III will be held September 19, 2017 from 1 p.m.–3 p.m. Eastern Time.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: *Julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop, (2) a series of assessment webinars, and (3) A Review Workshop. The product of the Data Workshop is a report that compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The assessment webinars produce a report that describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The product of the Review Workshop is an Assessment Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers;

constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion during the assessment webinar III are as follows:

1. Using datasets and initial assessment analysis recommended from the Data Workshop, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.

2. Participants will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 5 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 24, 2017.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–18301 Filed 8–28–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF528

Endangered Species; File No. 21301

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Kara Dodge, Ph.D., Woods Hole Oceanographic Institution, MS #33, Redfield 256, Woods Hole, MA 02543, has applied in due form for a permit to take leatherback sea turtles (*Dermochelys coriacea*) for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before September 28, 2017.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 21301 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Erin Markin or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Kara Dodge, Ph.D., proposes continuation and expansion of long-term studies on leatherback sea turtles in the Atlantic Ocean, primarily off New England. The purpose of the work is to determine seasonal distribution, movements, behavior, foraging, genetics, health, physiology, and habitat of leatherback sea turtles. Up to 95 sea turtles annually would be approached from a research vessel, unmanned aircraft system, or captured by hoop net. Upon approach or capture, researchers would examine up to 30 sea turtles annually, collect morphometric data and biological samples, and attach, via suction-cup or direct attachment, up to three transmitters to each turtle before release. Up to 65 sea turtles annually would be approached and photographed or videoed only. Up to one unintentional mortality of a sea turtle could happen in any year over the life of the permit. The permit would be valid for up to ten years from the date of issuance.

Dated: August 24, 2017.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2017–18255 Filed 8–28–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF616

New England Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, September 19, 2017 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Courtyard by Fairfield Inn & Suites, 185 MacArthur Drive, New Bedford, MA 02740; phone: (774) 634–2000.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Scallop Advisory Panel will review preliminary 2017 scallop survey results and discuss initial recommendations from the Scallop Plan Development Team (PDT) for FY 2018 and FY 2019 (default) fishery

specifications (Framework 29). They also plan to review and provide input on Framework 29 management measures; which include: (1) Northern Gulf of Maine Management Measures; (2) Development and modification of flatfish accountability measures; (3) Modifying access area boundaries to be consistent with potential changes to habitat and groundfish mortality closures through OHA2. The panel will review and discuss results from the LAGC IFQ program review. They will also develop a list of potential 2018 scallop work priorities. Additionally, the panel will discuss whether there are any regulations in the Scallop FMP that could be eliminated, improved, or streamlined. Several recent Executive Orders have been issued about streamlining current regulations, and NOAA is seeking public input on the efficiency and effectiveness of current regulations and whether they can be improved. Other business may be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 24, 2017.

Tracey L. Thompson,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2017–18298 Filed 8–28–17; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 17–C0005]

Home Depot U.S.A., Inc., Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of the Consumer Product Safety Commission's regulations. Published below is a provisionally-accepted Settlement Agreement with Home Depot U.S.A., Inc. containing a civil penalty in the amount of five million, seven hundred thousand dollars ($5,700,000), within thirty (30) days of service of the Commission's final Order accepting the Settlement Agreement.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by September 13, 2017.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 17–C0005, Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Room 820, Bethesda, Maryland 20814–4408.

FOR FURTHER INFORMATION CONTACT: Noah AnStraus, Trial Attorney, Division of Compliance, Office of the General Counsel, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814–4408; telephone (301) 504–6963.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.[1]

[1] The Commission voted (4–1) to provisionally accept the Settlement Agreement and Order regarding Home Depot U.S.A., Inc. Commissioner Adler, Commissioner Robinson, Commissioner Kaye and Commissioner Mohorovic voted to provisionally accept the Settlement Agreement and Order. Acting Chairman Buerkle voted to take other action as follows: Provisionally accept the Settlement Agreement and Order with an amendment so as to reduce the penalty amount to $1.0 million.

Dated: August 24, 2017.

Todd A. Stevenson,

Secretary.

UNITED STATES OF AMERICA

CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of:

Home Depot U.S.A., Inc.

CPSC Docket No.: 17–C0005

SETTLEMENT AGREEMENT

1. In accordance with the Consumer Product Safety Act, 15 U.S.C. 2051–2089 (''CPSA'') and 16 CFR 1118.20, Home Depot U.S.A., Inc., and its subsidiaries (collectively, ''Home Depot'' or ''the Firm''), and the United States Consumer Product Safety Commission (''Commission''), through its staff, hereby enter into this Settlement Agreement (''Agreement''). The Agreement and the incorporated attached Order resolve staff's charges set forth below.

THE PARTIES

2. The Commission is an independent federal regulatory agency, established pursuant to, and responsible for, the enforcement of the CPSA. By executing the Agreement, staff is acting on behalf of the Commission, pursuant to 16 CFR § 1118.20(b). The Commission issues the Order under the provisions of the CPSA.

3. Home Depot is a corporation, organized and existing under the laws of the state of Delaware, with its principal place of business in Atlanta, GA.

STAFF CHARGES

4. Between August 2012 and November 2016, Home Depot knowingly sold, offered for sale, and distributed in commerce recalled consumer products in violation of Section 19(a)(2)(B) of the CPSA, 15 U.S.C. 2068(a)(2)(B). Over the course of 4 years, Home Depot sold, offered for sale, and distributed in commerce products from 33 separate voluntary corrective actions (''Recalls'') announced by the Commission, totaling approximately 2,816 units of recalled products (the ''Recalled Products'').

5. The Recalls and the Recalled Products are:

- HeathCo Motion-Activated Outdoor Lights, recalled on October 30, 2013;
- Soleil Portable Heaters, recalled on July 25, 2013;
- Kidde Smoke/Co Alarms, recalled on September 11, 2014;
- CE Tech Riser Cable, recalled on April 9, 2013;
- Lithonia Quantum® ELM and ELM2 Two-Light Emergency Light Fixtures, recalled on May 28, 2014;

• HDX/Powermate Two-Gallon Air Compressor, recalled on February 12, 2014;
• Gree Dehumidifiers, recalled on September 12, 2013, expanded in January 2014, and reannounced in May 2014;
• RSI Bathroom Medicine Cabinets, recalled on January 16, 2014;
• Homelite Blower Vacuum, recalled on April 16, 2015;
• Husky Vertical Bike Hook, recalled on April 15, 2015;
• Westinghouse Lighting Glass Shade Holder recalled on March 12, 2015;
• Mohawk Home Rugs, recalled on November 19, 2014;
• Vornado Air Electric Space Heaters, recalled on August 14, 2014;
• Fiskar Bypass Lopper, recalled on October 8, 2014;
• Harris Products Group Welding Torch, recalled on July 31, 2014;
• Legrand Under Cabinet Power and Light Strip, recalled on September 6, 2012, and expanded on May 15, 2014;
• Lota Touchless Single-Handle, Pull-Down Sprayer Faucet, recalled on September 10, 2015;
• Kidde Fire Extinguisher, recalled on February 12, 2015;
• Cordelia Shop Light, recalled on May 22, 2014;
• LG Electronics Electric Range, recalled on November 8, 2012;
• Genie Garage Door Opener, recalled on February 25, 2014;
• Honda Mini Tillers, recalled on May 25, 2016;
• Nourison Rugs, recalled on May 23, 2013;
• Wing Enterprises Stepladder, recalled on December 11, 2012;
• Gerber Cohort Folding Knife, recalled on May 26, 2015;
• Nest Labs Smoke/CO Alarms, recalled on May 21, 2014;
• LG Electronics, Inc., Top Loading Washer, recalled on December 18, 2012;
• HeathCo Motion Activated Outdoor Lights, recalled on July 26, 2012;
• Phillips Lighting Halogen Flood Lights, recalled on September 10, 2015;
• Bosch Slim Grinder, recalled on May 11, 2016;
• Technical Consumer Products LED Down Light Fixture, recalled on September 8, 2015;
• Pramac America LLC Powermate Portable Generator, recalled on November 13, 2012; and
• Dyson Bladeless Portable Heater, recalled on April 1, 2014.

6. The hazards posed by the Recalled Products include, but are not limited to, fire hazards, laceration hazards, and electrocution and shock hazards.

7. The Recalled Products were subject to voluntary corrective action taken by the manufacturers in consultation with the Commission of which action the Commission notified the public. Each Recall listed above in paragraph 5 was publicized by the manufacturer and by the Commission.

8. The Recalled Products are ''consumer products,'' and, at all relevant times, Home Depot was a ''retailer'' of these consumer products, which were ''distributed in commerce,'' as those terms are defined or used in sections 3(a)(5), (8), and (13) of the CPSA, 15 U.S.C. 2052(a)(5), (8) and (13).

9. Under CPSA section 19(a)(2)(B), it is unlawful for any person to sell, offer for sale, manufacture for sale, distribute in commerce, or import into the United States, any consumer product that is subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public, or if the seller, distributor, or manufacturer knew, or should have known, of such voluntary corrective action.

10. Pursuant to section 20(a)(l) of the CPSA, 15 U.S.C. 2069(a)(1), any person who ''knowingly'' violates CPSA section 19 is subject to civil penalties. Under section 20(d) of the CPSA, 15 U.S.C. 2069(d), the term ''knowingly'' means: ''(1) the having of actual knowledge, or (2) the presumed having of knowledge deemed to be possessed by a reasonable man who acts in the circumstances, including knowledge obtainable upon the exercise of due care to ascertain the truth of representations.''

11. Home Depot sold and distributed Recalled Products because Home Depot's procedures failed to accurately identify, quarantine, and prevent the sale, offer for sale, and distribution of the Recalled Products. Home Depot sold and distributed Recalled Products through the Firm's traditional register lanes, Special Services Desks, sales for salvage from its reverse logistic centers, Internet sales, and donations through the Framing Hope program.

12. On May 29, 2015, Home Depot notified Commission staff that Home Depot had sold or transferred to its reverse logistics centers for potential sale approximately 595 units of seven different Recalled Products. Staff conducted an investigation and, based on information provided by Home Depot, the Commission and Home Depot issued a joint press release on November 18, 2015, announcing that Home Depot had sold approximately 2,310 units of 28 different Recalled Products between 2012 and November 2015.

13. After the press release announcing Home Depot's sale of the Recalled Products, Home Depot sold or distributed approximately 40 units of Recalled Products over the course of an additional year, with the last reported sale occurring in November 2016. Home Depot had also sold or distributed additional units of the Recalled Products that were listed in the November 2015 press release, as well as units of other Recalled Products that were either: (i) recalled after the November 2015 press release, or (ii) had not been discovered by the time the November 2015 press release was issued. In total, staff's investigation revealed that Home Depot sold or distributed at least 2,816 units of 33 different Recalled Products.

14. Home Depot knew and/or should have known of the sales of Recalled Products.

15. Home Depot's sale and distribution of the Recalled Products was ''knowing,'' as that term is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d).

16. Pursuant to section 20 of the CPSA, 15 U.S.C. 2069, Home Depot is subject to civil penalties for its knowing sale and distribution of the Recalled Products, in violation of section 19(a)(2)(B) of the CPSA, 15 U.S.C. 2068(a)(2)(B).

RESPONSE OF HOME DEPOT

17. Home Depot's settlement of this matter does not constitute an admission of staff's charges as set forth in paragraphs 4 to 16 above.

18. Home Depot prohibits the sale of recalled products and took reasonable measures to prevent recalled products from being sold or distributed for use by consumers through ''stop sale'' procedures and other internal controls.

19. Home Depot identified the post-recall sale and distribution of certain products through an internal review of its stop sale procedures. Home Depot voluntarily notified the Commission, and Home Depot then worked cooperatively with Commission staff to expand the scope of the review and address the identified issues.

20. Home Depot has enhanced its processes and systems to further reduce the risk of selling or distributing recalled products.

21. Home Depot enters into this Agreement to settle this matter without the delay and avoid the unnecessary expense of litigation.

AGREEMENT OF THE PARTIES

22. Under the CPSA, the Commission has jurisdiction over the matter involving the Recalled Products described in this Agreement and over Home Depot.

23. The parties enter into the Agreement for settlement purposes only. The Agreement does not constitute an admission by Home Depot, or a determination by the Commission, that Home Depot knowingly violated the CPSA.

24. In settlement of staff's charges, and to avoid the cost, distraction, delay, uncertainty, and inconvenience of protracted litigation or other proceedings, Home Depot shall pay a civil penalty in the amount of $5.7 million (five million, seven hundred thousand) within thirty (30) calendar days after receiving service of the Commission's final Order accepting the Agreement. All payments to be made under the Agreement shall constitute debts owing to the United States and shall be made by electronic wire transfer to the United States via: *https://www.pay.gov* for allocation to, and credit against, the payment obligations of Home Depot under this Agreement. Failure to make such payment by the date specified in the Commission's final Order shall constitute Default.

25. All unpaid amounts, if any, due and owing under the Agreement, shall constitute a debt due and immediately owing by Home Depot to the United States, and interest shall accrue and be paid by Home Depot at the federal legal rate of interest set forth at 28 U.S.C. § 1961(a) and (b), from the date of Default, until all amounts due have been paid in full (hereinafter ''Default Payment Amount'' and ''Default Interest Balance''). Home Depot shall consent to a Consent Judgment in the amount of the Default Payment Amount and Default Interest Balance, and the United States, at its sole option, may collect the entire Default Payment Amount and Default Interest Balance, or exercise any other rights granted by law or in equity, including, but not limited to, referring such matters for private collection; and Home Depot agrees not to contest, and hereby waives and discharges any defenses to, any collection action undertaken by the United States, or its agents or contractors, pursuant to this paragraph. Home Depot shall pay the United States all reasonable costs of collection and enforcement under this paragraph, respectively, including reasonable attorney's fees and expenses.

26. After staff receives this Agreement executed on behalf of Home Depot, staff shall promptly submit the Agreement to the Commission for provisional acceptance. Promptly following provisional acceptance of the Agreement by the Commission, the Agreement shall be placed on the public record and published in the **Federal Register**, in accordance with the procedures set forth in 16 C.F.R. § 1118.20(e). If the Commission does not receive any written request not to accept the Agreement within fifteen (15) calendar days, the Agreement shall be deemed finally accepted on the 16th calendar day after the date the Agreement is published in the **Federal Register**, in accordance with 16 C.F.R. § 1118.20(f).

27. This Agreement is conditioned upon, and subject to, the Commission's final acceptance, as set forth above, and it is subject to the provisions of 16 C.F.R. § 1118.20(h). Upon the later of: (i) Commission's final acceptance of this Agreement and service of the accepted Agreement upon Home Depot, and (ii) the date of issuance of the final Order, this Agreement shall be in full force and effect and shall be binding upon the parties.

28. Effective upon the later of: (i) the Commission's final acceptance of the Agreement and service of the accepted Agreement upon Home Depot, and (ii) the date of issuance of the final Order, for good and valuable consideration, Home Depot hereby expressly and irrevocably waives and agrees not to assert any past, present, or future rights to the following, in connection with the matter described in this Agreement: (i) an administrative or judicial hearing; (ii) judicial review or other challenge or contest of the Commission's actions; (iii) a determination by the Commission of whether Home Depot failed to comply with the CPSA and the underlying regulations; (iv) a statement of findings of fact and conclusions of law; and (v) any claims under the Equal Access to Justice Act.

29. Home Depot represents and agrees that it has and will maintain a compliance program designed to ensure compliance with the CPSA with respect to any consumer product imported, manufactured, distributed or sold by the Firm. The compliance program shall contain the following elements: written standards, policies, and procedures designed to ensure compliance with CPSA statutes and regulations; procedures to ensure that relevant information is conveyed effectively to appropriate personnel responsible for CPSA compliance; mechanisms to communicate to all applicable Home Depot employees through training programs or otherwise, company policies and procedures to prevent violations of CPSA § 19; a program for the appropriate disposition of recalled goods; management oversight of that program, including a mechanism for confidential employee reporting of compliance-related questions or concerns to either a compliance officer or to another senior manager with authority to act as necessary; senior management responsibility for, and general board oversight of, CPSA compliance; retention of all CPSA compliance-related records for at least five (5) years; and availability of such records to staff upon reasonable request.

30. Home Depot represents and agrees that it has and will maintain and enforce a system of internal controls and procedures designed to ensure that, with respect to all consumer products manufactured, imported, distributed, or sold by Home Depot: information required to be disclosed by Home Depot to the Commission is recorded, processed, and reported in accordance with applicable law; all reporting made to the Commission is timely, truthful, complete, accurate, and in accordance with applicable law; and prompt disclosure is made to Home Depot's management of any significant deficiencies or material weaknesses in the design or operation of such internal controls that are reasonably likely to affect adversely, in any material respect, Home Depot's ability to record, process, and report to the Commission in accordance with applicable law.

31. Upon reasonable request of staff, Home Depot shall provide written documentation of its internal controls and procedures, including, but not limited to, the effective dates of the procedures and improvements thereto. Home Depot shall cooperate fully and truthfully with staff and shall make available all non-privileged information and materials, and personnel deemed necessary by staff to evaluate Home Depot's compliance with the terms of the Agreement.

32. The parties acknowledge and agree that the Commission may publicize the terms of the Agreement and the Order.

33. Home Depot represents that the Agreement: (i) is entered into freely and voluntarily, without any degree of duress or compulsion whatsoever; (ii) has been duly authorized; and (iii) constitutes the valid and binding obligation of Home Depot, and each of its successors, transferees, and assigns, enforceable against Home Depot in accordance with the Agreement's terms. The individuals signing the Agreement on behalf of Home Depot represent and warrant that they are duly authorized by Home Depot to execute the Agreement.

34. The signatories represent that they are authorized to execute this Agreement.

35. The Agreement is governed by the laws of the United States.

36. The Agreement and the Order shall apply to, and be binding upon,

Home Depot and each of its successors, transferees, and assigns, and a violation of the Agreement or Order may subject Home Depot, and each of its successors, transferees, and assigns, to appropriate legal action.

37. The Agreement and the Order constitute the complete agreement between the parties on the subject matter contained therein.

38. The Agreement may be used in interpreting the Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and the Order may not be used to vary or contradict their terms. For purposes of construction, the Agreement shall be deemed to have been drafted by both of the parties and shall not, therefore, be construed against any party for that reason in any subsequent dispute.

39. The Agreement may not be waived, amended, modified, or otherwise altered, except as in accordance with the provisions of 16 CFR 1118.20(h). The Agreement may be executed in counterparts.

40. If any provision of the Agreement or the Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and the Order, such provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and Home Depot agree in writing that severing the provision materially affects the purpose of the Agreement and the Order.

HOME DEPOT U.S.A., INC.

Dated: August 10, 2017

By: _____

Dated: August 10, 2017

By: _____

Eric Rubel, *Esq.*, Arnold & Porter Kaye Scholer LLP, 601 Massachusetts Ave. NW., Washington, DC 20001–3743, Counsel for Home Depot

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Mary T. Boyle, *General Counsel*

Mary B. Murphy, *Assistant General Counsel*

Dated: August 10, 2017

By: _____

Noah AnStraus, *Trial Attorney*, Division of Compliance, Office of the General Counsel

UNITED STATES OF AMERICA

CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of:

Home Depot U.S.A., Inc.

CPSC Docket No.: 17–C0005

ORDER

Upon consideration of the Settlement Agreement entered into between Home Depot U.S.A., Inc. (''Home Depot'' and ''the Firm''), and the U.S. Consumer Product Safety Commission (''Commission''), and the Commission having jurisdiction over the subject matter and over Home Depot, and it appearing that the Settlement Agreement and the Order are in the public interest, it is:

ORDERED that the Settlement Agreement be, and is, hereby, accepted; and it is

FURTHER ORDERED that Home Depot shall comply with the terms of the Settlement Agreement and shall pay a civil penalty in the amount of $5.7 million (five million, seven hundred thousand) within thirty (30) days after service of the Commission's final Order accepting the Settlement Agreement. The payment shall be made by electronic wire transfer to the Commission via: *https://www.pay.gov.* Upon the failure of Home Depot to make the foregoing payment when due, interest on the unpaid amount shall accrue and be paid by Home Depot at the federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b). If Home Depot fails to make such payment or to comply in full with any other provision of the Settlement Agreement, such conduct will be considered a violation of the Settlement Agreement and Order.

Provisionally accepted and provisional Order issued on the 24th day of August, 2017.

By Order of the Commission:

_____

Todd A. Stevenson, *Secretariat*
U.S. Consumer Product Safety Commission.

[FR Doc. 2017–18251 Filed 8–28–17; 8:45 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Sunshine Act Notice

The Board of Directors of the Corporation for National and Community Service gives notice of the following meeting:

DATE AND TIME: Thursday, September 7, 2017, 3:00–4:00 p.m. (ET).

PLACE: Corporation for National and Community Service, 250 E Street SW., Suite 4026, Washington, DC 20525 (Please go to the first floor lobby reception area for escort).

CALL-IN INFORMATION: This meeting is available to the public through the following toll-free call-in number: 877–917–5789 conference call access code number 8834875. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and CNCS will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Replays are generally available one hour after a call ends. The toll-free phone number for the replay is 888–293–8913. TTY: 402–998–1748. The end replay date is September 21, 2017 at 11:59 p.m. (ET).

STATUS: Open.

MATTERS TO BE CONSIDERED:

I. Chair's Opening Comments

II. Acting CEO Report

III. Public Comments

IV. Final Comments and Adjournment

Members of the public who would like to comment on the business of the Board may do so in writing or in person. Individuals may submit written comments to *eharsch@cns.gov* with subject line: SEPTEMBER 2017 CNCS BOARD MEETING by 5:00 p.m. (ET) on August 31, 2017. Individuals attending the meeting in person who would like to comment will be asked to sign-in upon arrival. Comments are requested to be limited to 2 minutes.

REASONABLE ACCOMMODATIONS: The Corporation for National and Community Service provides reasonable accommodations to individuals with disabilities where appropriate. Anyone who needs an interpreter or other accommodation should notify Eric Harsch at *eharsch@cns.gov* or 202–606–6928 by 5 p.m. (ET) on May 19, 2017.

CONTACT PERSON FOR MORE INFORMATION: Eric Harsch, Program Support Assistant, Corporation for National and Community Service, 250 E Street SW., Washington, DC 20525. Phone: 202–606–6928. Fax: 202–606–3460. TTY: 800–833–3722. Email: *eharsch@cns.gov.*

Dated: August 24, 2017.

Timothy F. Noelker,

General Counsel.

[FR Doc. 2017–18360 Filed 8–25–17; 11:15 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket DARS–2017–0007; OMB Control Number 0704–0248]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement (DFARS); Inspection and Receiving Report

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection for use through November 30, 2017. DoD proposes that OMB extend its approval for use for three additional years beyond the current expiration date.

DATES: DoD will consider all comments received by October 30, 2017.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0248, using any of the following methods:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

- *Email: osd.dfars@mail.mil.* Include OMB Number 0704–0248 in the subject line of the message.
- *Fax:* 571–372–6094.
- *Mail:* Defense Acquisition Regulations System, Attn: Mr Tom Ruckdaschel, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Instructions: Search for ''Docket Number: DARS–2017–0007.'' Select ''Comment Now'' and follow the instructions provided to submit a comment. All submissions received must include the agency name and docket number for this notice. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Tom Ruckdaschel, 571–372–6088.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS), Appendix F, Material Inspection and Receiving Report; OMB Control Number 0704–0248.

Needs and Uses: The collection of this information is necessary to process shipping and receipt documentation for goods and services provided by contractors and permit payment under DoD contracts.

Type of Collection: Revision of a currently approved collection.

Obligation to Respond: Required to obtain or retain benefits.

Frequency: On occasion.

Affected Public: Businesses or other for-profit and not-for profit institutions.

Number of Respondents: 153,000.

Responses per Respondent: 18, approximately.

Annual Responses: 2,800,000.

Average Burden per Response: .05 hours (3 minutes).

Annual Burden Hours: 140,000 hours.

Summary of Information Collection

This information collection includes the requirements of DFARS Appendix F, Material Inspection and Receiving Report. Appendix F contains procedures and instructions for submission of contractor payment requests and receiving reports using Wide Area WorkFlow (WAWF). 10 U.S.C. 2227(c) requires electronic submission and processing of claims for contract payments under DoD contracts. DoD has designated WAWF as the designated platform for contractors to submit payment requests and supporting documentation, including receiving reports. WAWF supports the preparation and distribution of electronic equivalents for the DD Form 250, Material Inspection and Receiving Report, and DD Form 250 series equivalents for repair of Government property and energy-related overland or waterborne shipments.

Amy G. Williams,

Deputy, Defense Acquisition Regulations System.

[FR Doc. 2017–18217 Filed 8–28–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Advisory Committee on Women in the Services; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Women in the Services will take place.

DATES:

Day 1—Open to the public Tuesday, September 12, 2017 from 8:30 a.m. to 12:30 p.m.

Day 2—Open to the public Wednesday, September 13, 2017 from 8:30 a.m. to 12:00 p.m.

ADDRESSES: Association of the United States Army (AUSA) Conference Center, 2425 Wilson Boulevard, Arlington, VA 22201.

FOR FURTHER INFORMATION CONTACT: Jessica Myers, (703) 697–2122 (Voice), 703–614–6233 (Facsimile), *jessica.c.myers4.civ@mail.mil* (Email). Mailing address is 4800 Mark Center Drive, Suite 04J25–01, Alexandria, VA 22350. Web site: *http://dacowits.defense.gov.* The most up-to-date changes to the meeting agenda can be found on the Web site.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Bowling or DACOWITS Staff at 4800 Mark Center Drive, Suite 04J25–01, Alexandria, Virginia 22350–9000; *robert.d.bowling1.civ@mail.mil*, telephone (703) 697–2122, fax (703) 614–6233. Any updates to the agenda or

any additional information can be found at *http://dacowits.defense.gov/.*

Purpose of the Meeting: The purpose of the meeting is for the Committee to receive briefings and updates relating to their current work. The meeting will open with the Designated Federal Officer (DFO) giving a status update on the Committee's requests for information. This will be followed with two panel discussions on the following topics: Gender Integration; and Physiological Gender Differences. Day one will end with a Public Comment Period. The second day of the meeting will open with a panel discussion on the following topic: Propensity to Serve. Lastly, the Committee will propose and vote on their 2017 Recommendations to the Secretary of Defense.

Agenda:

Tuesday, September 12, 2017, from 8:30 a.m. to 12:30 p.m.

—Welcome, Introductions, Announcements
—Request for Information Status Update
—Panel Discussion—Gender Integration
—Panel Discussion—Physiological Gender Differences
—Briefing
—Public Comment Period
—Public Dismissed.

Wednesday, September 13, 2017, from 8:30 a.m. to 12:00 p.m.

—Welcome and Announcements
—Panel Discussion—Propensity to Serve
—Committee Proposes and Votes on 2017 Recommendations
—Public Dismissed

Meeting Accessibility: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will take place. This meeting is open to the public.

Written Statements: Pursuant to 41 CFR 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, interested persons may submit a written statement for consideration by the DACOWITS. Individuals submitting a written statement must submit their statement to the point of contact listed at the address in **FOR FURTHER INFORMATION CONTACT** no later than 5:00 p.m., Tuesday, September 5, 2017. If a written statement is not received by Tuesday, September 5, 2017, prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the DACOWITS until its next open meeting. The DFO will review all timely submissions with the DACOWITS Chair and ensure they are provided to the members of the Committee. If members of the public are interested in making an oral statement, a written statement should be submitted. After reviewing the written comments, the Chair and the DFO will determine who of the requesting persons will be able to make an oral presentation of their issue during an open portion of this meeting or at a future meeting. Pursuant to 41 CFR 102–3.140(d), determination of who will be making an oral presentation is at the sole discretion of the Committee Chair and the DFO, and will depend on time available and if the topics are relevant to the Committee's activities. Five minutes will be allotted to persons desiring to make an oral presentation. Oral presentations by members of the public will be permitted only on Tuesday, September 12, 2017 from 12:00 p.m. to 12:30 p.m. in front of the full Committee. The number of oral presentations to be made will depend on the number of requests received from members of the public.

Dated: August 24, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–18295 Filed 8–28–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

National Security Education Board; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Personnel and Readiness, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the National Security Education Board will take place.

DATES: The meeting will last from 10:00 a.m. to 4:30 p.m., Wednesday, September 6, 2017.

ADDRESSES: Capital Hilton Hotel, 1001 16th Street NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Michael Nugent, (571) 256–0702 (Voice), (703) 692–2615 (Facsimile), *michael.a.nugent22.civ@mail.mil* (Email). Mailing address is National Security Education Program, 4800 Mark Center Drive, Suite 08F09–02, Alexandria, VA 22350–7000. Web site: *https://www.nsep.gov/content/national-security-education-board.* The most up-to-date changes to the meeting agenda can be found on the Web site.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the Designated Federal Officer and the Department of Defense, the National Security Education Board was unable to provide public notification concerning its meeting on September 6, 2017, as required by 41 CFR 102–3.150(a). Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Pursuant to 41 CFR 102–3.140 and sections 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Department of Defense National Security Education Board about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of the planned meeting. All written statements shall be submitted to the Designated Federal Official for the National Security Education Board, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Designated Federal Official can be obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.* Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Official at the address listed in **FOR FURTHER INFORMATION CONTACT** at least five calendar days prior to the meeting that is the subject of this notice. Written statements received after this date may not be provided to or considered by the National Security Education Board until its next meeting. The Designated Federal Official will review all timely submissions with the National Security Education Board and ensure they are provided to all members of the National Security Education Board before the meeting that is the subject of this notice. Committee's Point of Contact: Alison Patz, Alternate Designated Federal Official, (571) 256–0771, *Alison.m.patz.civ@mail.mil.*

Purpose of the Meeting: The purpose of the meeting is to review and make recommendations to the Secretary of Defense concerning requirements established by the David L. Boren

National Security Education Act, Title VII of Public Law 102–183, as amended.

Agenda: 10:00 a.m.—Welcome and Chair Opening Remarks. 10:30 a.m.—NSEP Programmatic Updates. 11:00 a.m.—National Language Service Corps. 11:30 a.m.—Outreach and Recruitment Strategies: Strengthening the Boren and Flagship Pipeline. 12:30 p.m.—Working Lunch with Boren Scholars and Fellows. 1:30 p.m.—Intelligence Community Engagement: Reflections from Interagency Chief Human Capital Officers. 2:30 p.m.—Interagency Language Program Updates. 3:15 p.m.—The Language Flagship Competition Cycle: Best Practices and Way Forward. 4:00 p.m.—Board Discussion. 4:30 p.m.—Adjourn.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis.

Dated: August 24, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–18311 Filed 8–28–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0070]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Report of Randolph-Sheppard Vending Facility Program

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before September 28, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0070. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216–42, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Tara Jordan, 202–245–7341.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Report of Randolph-Sheppard Vending Facility Program.

OMB Control Number: 1820–0009.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 51.

Total Estimated Number of Annual Burden Hours: 689.

Abstract: The Vending Facility Program authorized by the Randolph-Sheppard Act provides persons who are blind with remunerative employment and self-support through the operation of vending facilities on federal and other property. Under the Randolph Sheppard Program, state licensing agencies recruit, train, license and place individuals who are blind as operators of vending facilities (including cafeterias, snack bars, vending machines, etc.) located on federal and other properties. In statute at 20 U.S.C. 107a(6)(a), the Secretary of Education is directed through the Commissioner of the Rehabilitation Services Administration (RSA) to conduct periodic evaluations of the programs authorized under the Randolph-Sheppard Act. Additionally, section 107b(4) requires entities designated as the state licensing agency to make such reports in such form and containing such information as the Secretary may from time to time require. The information to be collected is a necessary component of the evaluation process and forms the basis for annual reporting. These data are also used to understand the distribution type and profitability of vending facilities throughout the country. Such information is useful in providing technical assistance to state licensing agencies and property managers. The Code of Federal Regulations, at 34 CFR 395.8, specifies that vending machine income received by the state from federal property managers can be distributed to blind vendors in an amount not to exceed the national average income for blind vendors. This amount is determined through data collected using RSA–15: Report of Randolph-Sheppard Vending Facility Program. In addition, the collection of information ensures the provision and transparency of activities referenced in 34 CFR 395.12 related to disclosure of program and financial information.

The following changes are found in the revised information collection (IC) RSA–15: Report of Randolph-Sheppard Vending Facility Program: At the end of the reporting form, a text box was added for notes or explanations. The instructions were modified accordingly to accommodate these changes in the form and to clarify information.

Dated: August 23, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–18230 Filed 8–28–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register.**

DATES: Wednesday, September 13, 2017, 6:00 p.m.

ADDRESSES: Olive Garden Meeting Room, 7206 Kingston Pike, Knoxville, Tennessee 37919.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Alternate Deputy Designated Federal Officer, U.S. Department of Energy, Oak Ridge Office of Environmental Management (OREM), P.O. Box 2001, EM–942, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 241–6932; E-Mail: *Melyssa.Noe@orem.doe.gov.* Or visit the Web site at *https://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Welcome and Announcements
- Comments from the Deputy Designated Federal Officer (DDFO)
- Comments from the DOE, Tennessee Department of Environment and Conservation and Environmental Protection Agency Liaisons
- Public Comment Period
- Presentation by DOE OREM: Outreach Efforts
- Motions/Approval of June 14, 2017 Meeting Minutes
- Status of Outstanding Recommendations
- Alternate DDFO Report
- Committee Reports
- Adjourn

Public Participation: The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following Web site: *https://energy.gov/orem/listings/oak-ridge-site-specific-advisory-board-meetings.*

Issued at Washington, DC, on August 23, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–18282 Filed 8–28–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Electricity Advisory Committee

AGENCY: Office of Electricity Delivery and Energy Reliability, Department of Energy,

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Electricity Advisory Committee. The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Wednesday, September 13, 2017, 12:00 p.m.–5:55 p.m. EST; Thursday, September 14, 2017 8:00 a.m.–12:50 p.m. EST.

ADDRESSES: National Rural Electric Cooperative Association, 4301 Wilson Blvd., Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW., Washington, DC 20585; Telephone: (202) 586–1060 or email: *matthew.rosenbaum@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The Electricity Advisory Committee (EAC) was re-established in July 2010, in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App.2, to provide advice to the U.S. Department of Energy (DOE) in implementing the Energy Policy Act of 2005, executing the Energy Independence and Security Act of 2007, and modernizing the nation's electricity delivery infrastructure. The EAC is composed of individuals of diverse background selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to electricity.

Tentative Agenda: The meeting of the EAC is expected to include panels or presentations on the National Academy of Sciences grid resiliency report, modern grid-networked measurement and monitoring, cybersecurity, and the multiyear plan for energy sector cybersecurity. Additionally, the meeting is expected to include an update on the programs and initiatives of the DOE's Office of Electricity Delivery and Energy Reliability and a discussion of the plans and activities of the Smart Grid Subcommittee, Power Delivery Subcommittee, and Energy Storage Subcommittee. The meeting is also expected to include an update and associated discussion on the 60 day study exploring issues central to the long-term reliability of the electric grid.

Tentative Agenda: September 13, 2017

12:00 p.m.–1:00 p.m. EAC Leadership Committee Meeting
12:00 p.m.–1:00 p.m. Registration
12:00 p.m.–1:00 p.m. Swearing in for New Special Government Employee Members
1:00 p.m.–1:30 p.m. Ethics Briefing
1:30 p.m.–1:45 p.m. Welcome, Introductions, Developments since the June 2017 Meeting
1:45 p.m.–2:00 p.m. Update on the DOE Office of Electricity Delivery and Energy Reliability's Programs and Initiatives
2:00 p.m.–3:00 p.m. Presentation on National Academy of Sciences Grid Resiliency Report
3:00 p.m.–3:15 p.m. Break
3:15 p.m.–5:15 p.m. Panel Session: Modern Grid-networked Measurement and Monitoring
5:15 p.m.–5:45 p.m. Discussion of Potential Next Steps for Modern Grid-networked Measurement and Monitoring Topic
5:45 p.m.–5:55 p.m. Wrap-up and Adjourn Day 1 of September 2017 Meeting of the EAC

Tentative Agenda: September 14, 2017

8:00 a.m.–9:50 a.m. Panel Session: Cybersecurity
9:50 a.m.–10:00 a.m. Break
10:00 a.m.–11:10 a.m. Presentation on Multiyear Plan for Energy Sector Cybersecurity
11:10 a.m.–12:00 p.m. Update on 60 Day Study & EAC Discussion

12:00 p.m.–12:10 p.m. EAC Smart Grid Subcommittee Activities and Plans
12:10 p.m.–12:20 p.m. EAC Power Delivery Subcommittee Activities and Plans
12:20 p.m.–12:35 p.m. EAC Energy Storage Subcommittee Activities and Plans
12:35 p.m.–12:40 p.m. Public Comments
12:40 p.m.–12:50 p.m. Wrap-up and Adjourn September 2017 Meeting of the EAC

The meeting agenda may change to accommodate EAC business. For EAC agenda updates, see the EAC Web site at: *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

Public Participation: The EAC welcomes the attendance of the public at its meetings. Individuals who wish to offer public comments at the EAC meeting may do so on Thursday, September 14, 2017, but must register at the registration table in advance. Approximately five minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed three minutes. Anyone who is not able to attend the meeting, or for whom the allotted public comments time is insufficient to address pertinent issues with the EAC, is invited to send a written statement to Mr. Matthew Rosenbaum.

You may submit comments, identified by ''Electricity Advisory Committee Open Meeting,'' by any of the following methods:

- *Mail/Hand Delivery/Courier:* Matthew Rosenbaum, Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy, Forrestal Building, Room 8G–017, 1000 Independence Avenue SW., Washington, DC 20585.
- *Email: matthew.rosenbaum@hq.doe.gov.* Include ''Electricity Advisory Committee Open Meeting'' in the subject line of the message.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name and identifier. All comments received will be posted without change to *http://energy.gov/oe/services/electricity-advisory-committee-eac,* including any personal information provided.

- *Docket:* For access to the docket, to read background documents or comments received, go to *http://energy.gov/oe/services/electricity-advisory-committee-eac.*

The following electronic file formats are acceptable: Microsoft Word (.doc), Corel Word Perfect (.wpd), Adobe Acrobat (.pdf), Rich Text Format (.rtf), plain text (.txt), Microsoft Excel (.xls), and Microsoft PowerPoint (.ppt). If you submit information that you believe to be exempt by law from public disclosure, you must submit one complete copy, as well as one copy from which the information claimed to be exempt by law from public disclosure has been deleted. You must also explain the reasons why you believe the deleted information is exempt from disclosure.

DOE is responsible for the final determination concerning disclosure or nondisclosure of the information and for treating it in accordance with the DOE's Freedom of Information regulations (10 CFR 1004.11).

Note: Delivery of the U.S. Postal Service mail to DOE may be delayed by several weeks due to security screening. DOE, therefore, encourages those wishing to comment to submit comments electronically by email. If comments are submitted by regular mail, the Department requests that they be accompanied by a CD or diskette containing electronic files of the submission.

Minutes: The minutes of the EAC meeting will be posted on the EAC Web page at *http://energy.gov/oe/services/electricity-advisory-committee-eac.* They can also be obtained by contacting Mr. Matthew Rosenbaum at the address above.

Issued in Washington, DC on August 23, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–18281 Filed 8–28–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Update on Reimbursement for Costs of Remedial Action at Uranium and Thorium Processing Sites

AGENCY: Department of Energy.

ACTION: Notice of the Title X claims during fiscal year (FY) 2017.

SUMMARY: This Notice announces the Department of Energy's (DOE) acceptance of claims in FY 2017 from eligible uranium and thorium processing site licensees for reimbursement under Title X of the Energy Policy Act of 1992. The Consolidated Appropriations Act of 2017 provided $30,000,000 for Title X uranium and thorium reimbursements to be made available to the Title X licensees on a prorated basis.

DATES: The closing date for the submission of FY 2017 Title X claims is September 15, 2017. The claims will be processed for payment together with any eligible unpaid approved claim balances from prior years, based on the availability of funds from congressional appropriations. If the total approved claim amounts exceed the available funding, the approved claim amounts will be reimbursed on a prorated basis. All reimbursements are subject to the availability of funds from congressional appropriations.

ADDRESSES: Claims should be forwarded by certified or registered mail, return receipt requested, to U.S. Department of Energy, Office of Legacy Management, Attn: Mark Kautsky, Lead for Review of Title X Reimbursement of Claims, U.S. Department of Energy, Office of Legacy Management, 2597 Legacy Way, Grand Junction, Colorado 81503. Two copies of the claim should be included with each submission.

FOR FURTHER INFORMATION CONTACT: Theresa Kliczewski, Title X Program Lead and Coordinator, at (202) 586–3301, of the U.S. Department of Energy, Office of Environmental Management, Office of Waste Disposal.

SUPPLEMENTARY INFORMATION: DOE published a final rule under 10 CFR part 765 in the **Federal Register** on May 23, 1994, (59 FR 26714) to carry out the requirements of Title X of the Energy Policy Act of 1992 (sections 1001–1004 of Pub. L. 102–486, 42 U.S.C. 2296a *et seq.*) and to establish the procedures for eligible licensees to submit claims for reimbursement. DOE amended the final rule on June 3, 2003, (68 FR 32955) to adopt several technical and administrative amendments (*e.g.,* statutory increases in the reimbursement ceilings). Title X requires DOE to reimburse eligible uranium and thorium licensees for certain costs of decontamination, decommissioning, reclamation, and other remedial action incurred by licensees at uranium and thorium processing sites to remediate byproduct material generated resulting from the sales to the United States Government. To be reimbursable, costs of remedial action must be for work that is necessary to comply with applicable requirements of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 *et seq.*) or, where appropriate, with requirements established by a State pursuant to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021). Claims for reimbursement must be supported by reasonable documentation as determined by DOE in accordance with 10 CFR part 765. Funds for reimbursement will be provided from the Uranium Enrichment

Decontamination and Decommissioning Fund established at the Department of Treasury pursuant to section 1801 of the Atomic Energy Act of 1954 (42 U.S.C. 2297g). Payment or obligation of funds shall be subject to the requirements of the Anti-Deficiency Act (31 U.S.C. 1341).

Authority: Section 1001–1004 of Public Law 102–486, 106 Stat. 2776 (42 U.S.C. 2296a *et seq.*).

Issued in Washington, DC on May 11, 2017.

Theresa Kliczewski,

Office of Waste Disposal, Office of Environmental Management.

[FR Doc. 2017–18270 Filed 8–28–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. OR17–21–000]

Federal Energy Regulatory Commission

Grieve Pipeline, LLC; Notice of Petition for Declaratory Order

Take notice that on August 11, 2017, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2016), Grieve Pipeline, LLC, a subsidiary of Elk Petroleum, Inc., filed a petition for a declaratory order seeking approval of open season procedures, rate structure, key contract and tariff terms, as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on September 11, 2017.

Dated: August 22, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–18240 Filed 8–28–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10805–057]

Midwest Hydraulic Company, LLC; Notice of Emergency Drawdown and Temporary Variance and Soliciting Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Types of Application:* Temporary Emergency Drawdown and Variance from License Article 401.

b. *Project No.:* P–10805–057.

c. *Date Filed:* August 18, 2017.

d. *Applicants:* Midwest Hydraulic Company, LLC.

e. *Name of Projects:* Hatfield Hydroelectric Project.

f. *Location:* The project is located on the Black River, in the Township of Hatfield, in Jackson and Clarke counties, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Dwight Bowler, Midwest Hydraulic Company, LLC, c/o Black River Partners, 813 Jefferson Hill Road, Nassau, New York (518) 766–2753.

i. *FERC Contact:* Ms. Rebecca Martin, (202) 502–6012, *Rebecca.Martin@ferc.gov.*

j. Deadline for filing comments, is 30 days from the issuance date of this notice by the Commission. All documents may be filed electronically via the Internet. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* If unable to be filed electronically, documents may be paper-filed. To paper-file, an original and seven copies should be mailed to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. Please include the project number (P–10805–057) on any comments, motions, or recommendations filed.

k. *Description of Request:* The licensee must lower the reservoir as a risk reduction measure to prevent additional scouring below the project spillways during high flow events. The drawdown is also necessary to safely construct repairs below the spillway. The drawdown would begin on September 5, 2017 at a rate of 0.50 feet per day for a total drawdown of 5.5 feet to elevation 877 National Geodetic Vertical Datum (NGVD). Article 401 of the project license requires the licensee to maintain a target reservoir surface elevation of Lake Arbutus of 882.5 ± 0.25 feet NGVD at least 50 percent of the time and ± 0.5 feet at all times. Article 401 allows the reservoir elevation to be modified temporarily for operating emergencies. The refill of the reservoir is estimated to occur in spring of 2019.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments:* Anyone may submit comments in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. Any comments must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; and (3) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments should relate to project works which are the subject of this application. Agencies may obtain copies of the application directly from the applicant. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: August 22, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–18236 Filed 8–28–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RD16–10–000, RD17–5–000, and IC17–6–000 (FERC–725E)]

Errata Notice

On August 15, 2017, the Commission issued a Notice of revised information collection and request for comments on FERC–725E (Mandatory Reliability Standards for the Western Electric Coordinating Council), in Docket Nos. RD16–10–000, RD17–5–000, and IC17–6–000. This Errata Notice corrects multiple figures on page 13, in the table labeled FERC–725E, Mandatory Reliability Standards for the Western Electric Coordinating Council, Changes in Docket No. RD17–5–000.

All of the changes described here occur in two separate rows under the column labeled Total Annual Burden Hours & Total Annual Cost ($) (3)*(4)=(5).: The entry in the row labeled Net Burden Change in Year 1 (Due to Docket RD17–5) should be changed from +252 hrs. (increase) to +252 hrs.; $2,993.40 (increase). The entry in the row labeled Net Burden Change in Year 2 and ongoing (Due to Docket RD17–5) should be changed from the −621 hrs. (decrease) to +873 hrs.; $53,884.47 (increase).

Dated: August 22, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–18237 Filed 8–28–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2100–180—California]

California Department of Water Resources; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC's) regulations, 18 Code of Federal Regulations Part 380, the Office of Energy Projects has reviewed an application filed by the California Department of Water Resources on May 17, 2017, and supplemented June 16 and June 20, 2017, to permanently reroute three existing primary transmission lines at the Feather River Project No. 2100 between the Hyatt Pumping-Generating Plant and the Table Mountain Substation. The proposal would allow California Department of Water Resources to continuously deliver electricity along a different route away from repair activities at the project's damaged main spillway and emergency spillway area. The Feather River Project is located on the Feather River in Butte County, California.

Staff prepared an environmental assessment (EA) for the application which analyzes the potential environmental effects of approving the requested transmission line modification. In the EA, staff concludes that such an approval, with specified environmental protection measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is available for review at the Commission's Public Reference Room or it may be viewed on the Commission's Web site at *www.ferc.gov* using the eLibrary link. Enter the docket number P–2100–180 in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, 202–502–8659.

For further information, contact Mr. John Aedo at (415) 369–3335 or by email at *john.aedo@ferc.gov.*

Dated: August 23, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–18239 Filed 8–28–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–158–000.
Applicants: CPV Towantic, LLC, Towantic Energy Holdings, LLC, Aircraft Services Corporation.
Description: Correction to August 15, 2017 Application for Authorization under Section 203 of the Federal Power Act and Request for Waivers, Confidential Treatment, Expedited Action and Shortened Comment Period of CPV Towantic, LLC, et al.
Filed Date: 8/21/17.
Accession Number: 20170821–5157.
Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: EC17–163–000.
Applicants: MDU Resources Group, Inc.
Description: Application of MDU Resources Group, Inc. for Authorization Under FPA Section 203(a)(1)(B) and Request for Expedited Consideration and Confidential Treatment.
Filed Date: 8/22/17.
Accession Number: 20170822–5159.
Comments Due: 5 p.m. ET 9/12/17.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17–144–000.
Applicants: St. Joseph Energy Center, LLC.
Description: St. Joseph Energy Center, LLC Submits Self-Certification of EWG Status.
Filed Date: 8/23/17.
Accession Number: 20170823–5015.
Comments Due: 5 p.m. ET 9/13/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–2342–000.
Applicants: Bladen Solar, LLC.
Description: Baseline eTariff Filing: Baseline new to be effective 10/10/2017.
Filed Date: 8/22/17.
Accession Number: 20170822–5135.
Comments Due: 5 p.m. ET 9/12/17.

Docket Numbers: ER17–2343–000.
Applicants: Bullock Solar, LLC.
Description: Baseline eTariff Filing: Baseline new to be effective 10/4/2017.

Filed Date: 8/22/17.
Accession Number: 20170822–5137.
Comments Due: 5 p.m. ET 9/12/17.

Docket Numbers: ER17–2344–000.
Applicants: Northern States Power Company, a Minnesota corporation.
Description: § 205(d) Rate Filing: 2017–8–22 GRE TSA Termination Agrmt-RS 309 to be effective 10/22/2017.
Filed Date: 8/22/17.
Accession Number: 20170822–5138.
Comments Due: 5 p.m. ET 9/12/17.

Docket Numbers: ER17–2345–000.
Applicants: EC&R Energy Marketing, LLC.
Description: Baseline eTariff Filing: Application for Market Based Rate to be effective 10/22/2017.
Filed Date: 8/23/17.
Accession Number: 20170823–5018.
Comments Due: 5 p.m. ET 9/13/17.

Docket Numbers: ER17–2346–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–08–23_Termination of Project J235 E&P Agreements (SA 2549 & SA 2517) to be effective 8/24/2017.
Filed Date: 8/23/17.
Accession Number: 20170823–5021.
Comments Due: 5 p.m. ET 9/13/17.

Docket Numbers: ER17–2347–000.
Applicants: Louisville Gas and Electric Company.
Description: § 205(d) Rate Filing: Att I and Att R Updates to be effective 10/23/2017.
Filed Date: 8/23/17.
Accession Number: 20170823–5029.
Comments Due: 5 p.m. ET 9/13/17.

Docket Numbers: ER17–2348–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Cancellation: Notice of Cancellation of WMPA SA No. 4458, Queue No. AA1–110 to be effective 10/16/2017.
Filed Date: 8/23/17.
Accession Number: 20170823–5037.
Comments Due: 5 p.m. ET 9/13/17.

Docket Numbers: ER17–2349–000.
Applicants: Tucson Electric Power Company.
Description: § 205(d) Rate Filing: WECC Field Test Waiver for Rate Schedule No. 321 to be effective 8/8/2017.
Filed Date: 8/23/17.
Accession Number: 20170823–5052.
Comments Due: 5 p.m. ET 9/13/17.

Docket Numbers: ER17–2350–000.
Applicants: Public Service Company of Oklahoma.
Description: § 205(d) Rate Filing: PSO–OGE Cemetery Road Delivery Point Agreement to be effective 8/15/2017.
Filed Date: 8/23/17.
Accession Number: 20170823–5073.
Comments Due: 5 p.m. ET 9/13/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 23, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18245 Filed 8–28–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14227–000]

Nevada Hydro Company, Inc.; Notice of Intent To File License Application, Filing of Draft License Application, and Request To Waive Pre-Filing Requirements

a. *Type of Filing:* Notice of Intent to File License Application and Request to Waive Pre-Filing Requirements.
b. *Project No.:* 14227–000.
c. *Dated Filed:* June 1, 2017.
d. *Submitted By:* Nevada Hydro Company, Inc. (Nevada Hydro).
e. *Name of Project:* Lake Elsinore Advanced Pumped Storage (LEAPS) Project.
f. *Location:* On Lake Elsinore and San Juan Creek near the town of Lake Elsinore in Riverside and San Diego counties, California. The project would occupy about 845 acres of federal land.
g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.
h. *Applicant Contact:* Rexford Wait, Nevada Hydro Company, Inc., 2416 Cades Way Vista, California (760) 599–1815.
i. *FERC Contact:* Jim Fargo at (202) 502–6095 or email at *james.fargo@ferc.gov.*
j. On June 1, 2017, Nevada Hydro filed a request that the Commission waive certain of the pre-filing consultation requirements of Part 5 of the Commission's regulations for the proposed LEAPS Project to include: pre-filing scoping; [1] comments and information or study requests; the preparation of and comments on a proposed study plan; resolution of disputes over studies; [2] and notice of the applicant's intent to file a draft license application.[3] Nevada Hydro's justification for the waivers is that a Final Environmental Impact Statement, prepared by Commission staff, was issued in 2007 for essentially the same project proposal under P–11858 and the consultation on the current project proposal that has already occurred meets the intent of the Commission's pre-filing consultation requirements.

With this notice we are soliciting comments on Nevada Hydro's notice of intent and request to waive pre-filing requirements. All comments should be sent to the address in paragraph l below.

k. The NOI, waiver request, and associated filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

l. The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, please send a paper

[1] 18 CFR 5.8 (2017).
[2] 18 CFR 5.9, 5.11–5.15 (2017).
[3] 18 CFR 5.16 (2017).

copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14227–000.

All filings with the Commission must bear the appropriate heading: Comments on NOI. Any individual or entity interested in submitting NOI comments must do so by September 22, 2017.

Dated: August 23, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–18235 Filed 8–28–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EF17–2–000; EF17–3–000; EF17–4–000]

Bonneville Power Administration: Notice of Filing

Take notice that on August 7, 2017, Bonneville Power Administration submitted an errata to its July 31, 2017 tariff filing per: BP–18 Power and Transmission Rates.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 30, 2017.

Dated: August 23, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–18238 Filed 8–28–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. CP15–554–000	8–4–2017	John A. Wagner.
2. CP15–554–000	8–7–2017	Mass Mailing.[1]
3. CP15–554–000	8–8–2017	Linda Lou Griffin.
4. CP16–22–000	8–16–2017	International Union of Operating Engineers.
Exempt:		
1. CP15–93–000	8–3–2017	U.S. Congress[2]
2. P–1494–000	8–3–2017	U.S. Congress[3]
3. P–1494–000	8–3–2017	State of Oklahoma, Office of the Secretary of Energy & Environment
4. P–1494–000	8–7–2017	U.S. Senator James M. Inhofe
5. CP16–10–000	8–8–2017	Commonwealth of Virginia Department of Environmental Quality

Docket No.	File date	Presenter or requester
6. P–13318–000	8–15–2017	FERC Staff [4]
7. CP16–454–000, CP16–455–000	8–16–2017	FERC Staff [5]
8. CP17–80–000	8–17–2017	FERC Staff [6]
9. CP15–93–000	8–18–2017	State of Ohio Lieutenant Governor, Mary Taylor.

[1] Two letters have been sent to FERC Commissioners and staff under this docket number.
[2] Ranking Members Frank Pallone, Jr. and Maria Cantwell.
[3] Senators James M. Inhofe and James Lankford. House Representatives Markwayne Mullin and Jim Bridestine.
[4] Email dated August 14, 2017 with Daniel Blake from U.S Fish and Wildlife Service.
[5] Conference Call Notes for call on August 15, 2017 with U.S. Department of Transportation's Pipeline and Hazardous Material Safety Administration and Rio Grande LNG, LLC's contractor CH•IV International.
[6] Email dated August 11, 2017 with Tonya Tipton from Shawnee Tribe.

Dated: August 23, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18246 Filed 8–28–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–RCRA–2015–0147; FRL–9966–76–OLEM]

AES Filing Compliance Date for Hazardous Waste Exports

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of announcement of compliance date.

SUMMARY: This action announces that the Automated Export System (AES) filing compliance date for export shipments of hazardous waste and certain other materials is December 31, 2017. Under the ''Hazardous Waste Export-Import Revisions'' final rule published on November 28, 2016, that became effective on December 31, 2016, Environmental Protection Agency (EPA) provided flexibility to the regulated community by establishing a transition period prior to the required filing of EPA information into the AES for these export shipments. EPA had stated in the final rule that during the transition period, either paper processes or electronic processes at the port could be used until a future AES filing compliance date, which would be announced in a separate **Federal Register** action. EPA is making this announcement of the AES filing compliance date of December 31, 2017 in this action. On or after this AES filing compliance date, all exporters of manifested hazardous waste, universal waste, and spent lead-acid batteries for recycling or disposal, and all exporters of cathode ray tubes for recycling will be required to file EPA information in the AES or AESDirect for each export shipment. Paper processes will no longer be allowed on or after the compliance date.

DATES: The AES filing compliance date is December 31, 2017.

ADDRESSES: The EPA established a docket for the ''Hazardous Waste Export-Import Revisions'' under Docket ID No. EPA–HQ–RCRA–2015–0147, which includes this announcement. All documents in the docket are listed on the *https://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Laura Coughlan, Materials Recovery and Waste Management Division, Office of Resource Conservation and Recovery (5304P), Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; telephone number: (703) 308–0005; fax number: 703–308–0514; email address: *coughlan.laura@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 28, 2016, EPA finalized revisions to the Resource Conservation and Recovery Act (RCRA) regulations governing imports and exports of hazardous waste and certain other materials in 40 CFR part 262 (81 FR 85696). These revisions included a stepwise conversion from a paper process for export shipments at the port to an electronic process to fulfill the direction set forth in Executive Order 13659 concerning the electronic management of international trade data by the U.S. Government as part of the International Trade Data System (ITDS).

Under Executive Order 13659, agencies were required to have capabilities, agreements, and other requirements in place by December 31, 2016, to utilize the ITDS and supporting systems, such as the Automated Export System (AES) or its successor system, as the primary means of receiving from users the standard set of data and other relevant documentation (exclusive of applications for permits, licenses, or certifications) required for the release of imported cargo and clearance of cargo for export. The AES resides in the U.S. Customs and Border Protection's (CBP's) Automated Commercial Environment (ACE). With respect to RCRA waste exports subject to consent requirements, EPA's regulatory revisions and CBP's changes to AES were established to utilize electronic processes in AES, or its successor system, in place of existing paper processes at the port or border crossing required to clear export shipments for departure. Currently, exports of hazardous waste, including those eligible for the alternate management standards of 40 CFR part 273 (*i.e.,* universal waste) or 40 CFR part 266 (*e.g.,* spent lead acid batteries being shipped for recycling), and exports of cathode ray tubes for recycling are subject to RCRA consent requirements. EPA's final rule had allowed exporters to choose whether to follow the existing paper process or the new electronic procedure at the border during an initial transition period until the ''AES filing compliance date'' defined in 40 CFR 260.10, and to be announced in a future **Federal Register** action.

With this announcement, starting on the AES filing compliance date of December 31, 2017, exporters or their authorized agents will no longer be able to use a paper process, and will have to file certain EPA data in the AES, or its successor system. The data they must file is set forth in 40 CFR 261.39(a)(5)(v)(B) for cathode ray tube exports and in 40 CFR 262.83(a)(6)(ii) for hazardous waste exports. A detailed description of the electronic process is available in Section III.B of the ''Hazardous Waste Export-Import Revisions'' (81 FR 85696, November 28, 2016) final rule.

II. EPA Outreach

EPA has held three webinars for exporters on how to file the EPA

information in AES on January 18, 2017, May 8, 2017, and June 5, 2017. In the May and June webinars, EPA stated that the transition period would end no later than December 31, 2017. Materials and recordings of the May and June webinars are available at *https://clu-in.org/conf/tio/AESExporters_050817/* and *https://clu-in.org/conf/tio/AESExporters_060517/*, respectively. EPA is also reaching out to individual exporters to ensure that all exporters with consent can successfully file the EPA information in AES for their export shipments.

Dated: August 15, 2017.

Barry N. Breen,

Acting Assistant Administrator, Office of Land and Emergency Management.

[FR Doc. 2017–18285 Filed 8–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9966–77-Region 9]

Clean Air Act Operating Permit Program; Petition for Objection To Proposed Permit for Chevron USA Inc.—7Z Steam Plant, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: This document announces that the Environmental Protection Agency (EPA) Administrator has responded to a citizen petition asking the EPA to object to the proposed issuance of an Authority to Construct/Certificate of Conformity (Permit) issued by the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). Specifically, the Administrator has denied the July 7, 2016 petition (Petition), submitted by the Climate Change Law Foundation, Association of Irritated Residents, Center for Biological Diversity, and Sierra Club to object to SJVUAPCD's proposed issuance of the Permit for the Chevron USA Inc.—7Z Steam Plant in Kern County, California.

ADDRESSES: Copies of the final Order, the Petition, and other supporting information is available electronically at the following Web site: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, Petition, and other supporting information. You may view the hard copies Monday through Friday, from 9 a.m. to 3 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. Additionally, the final Order is available electronically at: *https://www.epa.gov/sites/production/files/2017-04/documents/chevron_response2016_0.pdf.*

FOR FURTHER INFORMATION CONTACT: Laura Yannayon, EPA Region IX, (415) 972–3534, *yannayon.laura@epa.gov.*

SUPPLEMENTARY INFORMATION: SJVUAPCD Rule 2201 affords the EPA a 45-day period to review and object to, as appropriate, a proposed permit. Rule 2201 § 5.9.1. If the EPA does not object, Rule 2201 allows any person to petition the EPA, within 60 days, to object to the proposed permit. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period, or the grounds for the issue arose after this period.

The EPA received the Petition dated July 7, 2016, requesting that the EPA object to the proposed issuance of the Permit to Chevron USA Inc., for modifications to its 7Z Steam Plant, located in Kern County, California. In summary, the Petition claimed that certain emission reduction credits used in the permitting process were invalid.

On April 24, 2017, the Administrator issued an order denying the Petition. The EPA's rationale for denying the claims raised in the petition are described in the Order.

Dated: August 11, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2017–18286 Filed 8–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2013–0246; FRL–9967–02–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Engine Emission Defect Information Reports and Voluntary Emission Recall Reports (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), Engine Emission Defect Information Reports and Voluntary Emission Recall Reports (EPA ICR Number 0282.17, OMB Control Number 2060–0048) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31, 2017. Public comments were previously requested via the **Federal Register** (82 FR 29544) on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before September 28, 2017.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2013–0246, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *a-and-r-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Nydia Reyes-Morales, Office of Transportation and Air Quality, Mail Code 6405J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–343–9264; fax number: 202–343–2804; email address: *reyes-morales.nydia@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744.

For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Under the provisions of the Clean Air Act (CAA), the Administrator is required to promulgate regulations to control air pollutant emissions from motor vehicles and nonroad engines, as defined in the CAA. Per Sections 207(c)(1) and 213 of the CAA, when a substantial number of properly maintained and used engines produced by a manufacturer do not conform to emission standards, the manufacturer is required to recall the engines. Engine manufacturers are required to submit Defect Information Reports (DIRs) if emission-related defects are found on engines of the same model year that may cause the engines' emissions to exceed the standards. EPA uses these reports to target potentially nonconforming classes of engines for future testing, to monitor compliance with applicable regulations and to order a recall, if necessary. Manufacturers can also initiate a recall voluntarily by submitting a Voluntary Emission Recall Report (VERR). VERRs and VERR updates allow EPA to determine whether the manufacturer conducting the recall is acting in accordance with the CAA and to examine and monitor the effectiveness of the recall campaign.

Forms: The forms associated with this ICR are form 5900–300 (Voluntary Emissions Recall Report); form 5900–301 (Emissions Defect Information Report); and form 5900–302 (Voluntary Emission Recall Quarterly Progress Report).

Respondents/affected entities: Manufacturers of heavy-duty highway and nonroad engines.

Respondent's obligation to respond: Mandatory under the Clean Air Act and 40 CFR parts 85, 89, 90, 91, 92, 94, 1035, 1039, 1042, 1045, 1048, 1051, 1054, 1068.

Estimated number of respondents: 29 (total).

Frequency of response: On occasion, bi-annual or quarterly.

Total estimated burden: 9,827 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $936,157 (per year), includes $5,475 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is decrease of 5,258 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is due to: (1) A correction on previous estimates, and (2) a significant decrease in the estimated number of respondents.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2017–18297 Filed 8–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0070; FRL–9964–27]

Product Cancellation Order To Voluntarily Cancel Certain Pesticide Registrations and Amend Registrations To Terminate Certain Uses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations and amendments to terminate uses, voluntarily requested by the registrants and accepted by the Agency, of the products listed in Table 1 and Table 2 of Unit II, pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). This cancellation order follows an April 10, 2017 **Federal Register** Notice of Receipt of Requests from the registrants listed in Table 3 of Unit II to voluntarily cancel and amend to terminate uses of these product registrations. In the April 10, 2017 notice, EPA indicated that it would issue an order implementing the cancellations and amendments to terminate uses, unless the Agency received substantive comments within the 30-day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency received two comments on the notice from registrants to withdraw the cancellation request for registrations 1839–189 & 10324–89, therefore these registrations are not listed in this order and will not be cancelled. Accordingly, EPA hereby issues in this notice a cancellation order granting the requested cancellations and amendments to terminate uses. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stocks provisions.

DATES: The cancellations and amendments are effective August 29, 2017.

FOR FURTHER INFORMATION CONTACT: Christopher Green, Information Technology and Resources Management Division (7502P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–0367; email address: *green.christopher@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2017–0070, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the agency taking?

This notice announces the cancellations and amendments to terminate uses, as requested by registrants, of products registered under FIFRA section 3 (7 U.S.C. 136a). These registrations are listed in sequence by registration number in Tables 1 and 2 of this unit. The following registration number that was listed in the **Federal Register** of April 10, 2017 (82 FR 17246) (FRL–9959–66) has already been cancelled in a previous **Federal Register** notice: OR–080021 on March 22, 2017 (82 FR 14718) (FRL–9958–51).

TABLE 1—PRODUCT CANCELLATIONS

Registration No.	Company No.	Product name	Active ingredient
100–1079	100	Bonzi II Ornamental Growth Regulator.	Paclobutrazol.
241–362	241	Pursuit Dimethenamid Herbicide.	Imazethapyr; & Dimethenamid.
279–9563	279	Rovral Fungicide	Iprodione.
279–9565	279	Rovral R Flowable Fungicide.	Iprodione.
279–9566	279	Rovral WG Fungicide	Iprodione.
279–9567	279	Rovral 50 SP Fungicide	Iprodione.
279–9569	279	Rovral Brand 75WG Fungicide.	Iprodione.
303–223	303	Beaucoup Germicidal Detergent.	2-Benzyl-4-chlorophenol; 4-tert-Amylphenol; & o-Phenylphenol (NO INERT USE).
464–705	464	Ucarcide 250 Preservative	Glutaraldehyde.
464–706	464	Ucarcide 225 Preservative	Glutaraldehyde.
498–180	498	Champion Sprayon Disinfectant Formula 4.	Isopropyl alcohol; & o-Phenylphenol (NO INERT USE).
706–69	706	Claire Disinfectant Spray	Ethanol; 4-tert-Amylphenol; & o-Phenylphenol (NO INERT USE).
875–191	875	KL–IS	Phosphoric acid; & Oxirane, methyl-, polymer with oxirane, monobutyl ether, compound with iodine.
954–13	954	Spacide	2-Benzyl-4-chlorophenol; & o-Phenylphenol (NO INERT USE).
1020–4	1020	Oakite Chlor-Tergent	Trichloro-s-triazinetrione.
1072–11	1072	K.O. Dyne	Nonylphenoxypolyethoxyethanol—iodine complex.
1072–19	1072	Babsyne-20	Nonylphenoxypolyethoxyethanol—iodine complex.
1270–237	1270	Zep Refresh II	Ethanol; 4-tert-Amylphenol; & o-Phenylphenol (NO INERT USE).
2296–101	2296	Easy-Dab Bacteriostatic Creme Cleanser.	o-Phenylphenol (NO INERT USE).
5813–84	5813	Necktie	1,3-Dichloro-5-ethyl-5-methylhydantoin; 1,3-Dichloro-5,5-dimethylhydantoin; & 2,4-Imidazolidinedione, 1-bromo-3-chloro-5,5-dimethyl-.
7969–148	7969	BAS 661 00 H	Dicamba; & Dimethenamid.
10324–25	10324	Maquat DS 1412–10%	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16).
10324–74	10324	Aqua Foaming Bowl & Bathroom Cleaner.	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16).
10324–95	10324	Ma-Brom	Sodium bromide.
10324–123	10324	Econo-Lemon 10 Scented	Alkyl* dimethyl benzyl ammonium chloride *(58%C14, 28%C16, 14%C12).
10324–137	10324	Maquat FL–1	Alkyl* dimethyl benzyl ammonium chloride *(58%C14, 28%C16, 14%C12).
10324–138	10324	Maquat FL–2	Alkyl* dimethyl benzyl ammonium chloride *(58%C14, 28%C16, 14%C12).
10324–169	10324	Maquat 615–MR	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16); 1-Octanaminium, *N,N*-dimethyl-N-octyl-, chloride; 1-Decanaminium, N-decyl-*N,N*-dimethyl-, chloride; & 1-Decanaminium, N,N-dimethyl-N-octyl-, chloride.
10324–174	10324	Maquat 86–MR	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16); 1-Octanaminium, *N,N*-dimethyl-N-octyl-, chloride; 1-Decanaminium, N-decyl-*N,N*-dimethyl-, chloride; & 1-Decanaminium, N,N-dimethyl-N-octyl-, chloride.
10324–184	10324	Maquat 86–HMR	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16); 1-Octanaminium, *N,N*-dimethyl-N-octyl-, chloride; 1-Decanaminium, N-decyl-*N,N*-dimethyl-, chloride; & 1-Decanaminium, N,N-dimethyl-N-octyl-, chloride.
10324–197	10324	Maguard QSX–500	1-Octadecanaminium,N,N-dimethyl-N-[3-(trihydroxysilyl)propyl],chloride.
10324–199	10324	Maquat MC1412–50%FC	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16).
10324–200	10324	Maquat MC1412–20%FC	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16).
10324–203	10324	Maquat MC1412–40%FC	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16).
10324–217	10324	STIX	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16); & Phosphoric acid.
10324–218	10324	Kling	Hydrochloric acid; 1-Decanaminium, *N,N*-dimethyl-N-octyl-, chloride; Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16); 1-Octanaminium, *N,N*-dimethyl-N-octyl-, chloride; & 1-Decanaminium, N-decyl-*N,N*-dimethyl-, chloride.
10807–438	10807	Purge Air Sanitizer	Dipropylene glycol; Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16); & Triethylene glycol.
33176–24	33176	Arysol Brand Surface Disinfectant Spray.	Ethanol; Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12); & Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14).
39967–81	39967	Hospital Broad Brand	2-Benzyl-4-chlorophenol; 4-tert-Amylphenol; & o-Phenylphenol (NO INERT USE).
39967–83	39967	Ocide Hospital Cleaner-Disinfectant.	2-Benzyl-4-chlorophenol; 4-tert-Amylphenol; & o-Phenylphenol (NO INERT USE).
39967–88	39967	Phenocide 256	2-Benzyl-4-chlorophenol; & o-Phenylphenol (NO INERT USE).
39967–89	39967	Phenocide 128	2-Benzyl-4-chlorophenol; & o-Phenylphenol (NO INERT USE).
47000–19	47000	Dy-Fly I Livestock Spray	MGK 264; Pyrethrins; & Piperonyl butoxide.
47000–101	47000	CT–42 Lice Spray	Pyrethrins; & Piperonyl butoxide.
48222–7	48222	Agro-K Copper Lite	Copper sulfate pentahydrate.
49547–5	49547	Alen Pine Oil 60	Pine oil.
51873–8	51873	De-Cut	Maleic hydrazide, potassium salt.

TABLE 1—PRODUCT CANCELLATIONS—Continued

Registration No.	Company No.	Product name	Active ingredient
57538–29	57538	Fortified Stimulate Yield Enhancer.	Indole-3-acetic acid; Indole-3-butyric acid; Gibberellic acid; & Cytokinin (as kinetin).
57538–36	57538	Stimulate Fruit Thinner	Gibberellic acid; & Cytokinin (as kinetin).
57538–37	57538	Stimulate Grain Filler	Indole-3-butyric acid; Gibberellic acid; & Cytokinin (as kinetin).
57538–38	57538	Stimulate Power	Cytokinin (as kinetin); & Gibberellic acid.
57538–44	57538	Stimulate Flower Fertility	Indole-3-acetic acid; Indole-3-butyric acid; Gibberellic acid; & Cytokinin (as kinetin).
57538–45	57538	Stimulate Bud Former	Cytokinin (as kinetin); & Gibberellic acid.
57538–46	57538	Stimulate Seed Germ	Indole-3-acetic acid; Indole-3-butyric acid; Gibberellic acid; & Cytokinin (as kinetin).
57538–47	57538	Stimulate Fruit Sizer	Indole-3-butyric acid; Indole-3-acetic acid; Gibberellic acid; & Cytokinin (as kinetin).
57538–48	57538	Stimulate Root Growth	Gibberellic acid; Indole-3-butyric acid; & Cytokinin (as kinetin).
59106–3	59106	BioClear 550 Fizzy Tabs	2,2-Dibromo-3-nitrilopropionamide; & 1-Bromo-1-(bromomethyl)-1,3-propanedicarbonitrile.
70385–1	70385	Microban Disinfectant Spray.	Bromine; o-Phenylphenol (NO INERT USE); & Benzenemethanaminium, *N,N*-dimethyl-N-(2-(2-(4-(1,1,3,3-tetramethylbutyl)phenoxy)ethoxy)ethyl)-, chloride.
72138–1	72138	Real Pine Cleaner Disinfectant Deodorizer.	Pine oil.
87538–3	87538	Monofoil Screen/Glass Protectant.	1-Octadecanaminium,*N,N*-dimethyl-N-[3-(trihydroxysilyl)propyl],chloride.
CA–060027	100	Gramoxone Inteon	Paraquat dichloride.
CO–120003	12455	Contrac All-Weather Blox	Bromadiolone.
OR–070024	400	Enhance	Captan; & Carboxin.
OR–080022	91411	DuPont Mankocide Fungicide.	Mancozeb; & Copper hydroxide.
OR–080032	400	Dimilin 2L	Diflubenzuron.
OR–110003	264	Osprey Herbicide	Mesosulfuron-methyl.
OR–110012	400	Vitavax Flowable Fungicide	Carboxin.
OR–120008	100	Switch 62.5WG	Fludioxonil; & Cyprodinil.
WA–000033	19713	IDA, Inc. Diuron 80W	Diuron.
WA–000034	19713	Drexel Diuron 4L Herbicide	Diuron.
WA–030012	66222	Galigan 2E	Oxyfluorfen.
WA–030024	66222	Thionex 3 EC Insecticide	Endosulfan.
WA–030027	66222	Thionex 3 EC Insecticide	Endosulfan.
WA–050010	19713	Drexel Atrazine 90 DF Herbicide.	Atrazine.
WA–110005	61842	Lorox DF	Linuron.

TABLE 2—PRODUCT REGISTRATION AMENDMENTS TO TERMINATE USES

Registration No.	Company No.	Product name	Active ingredient	Uses to be terminated
100–780	100	Tilt 45W	Propiconazole	Pre-Harvest uses and associated pre-harvest label language on Tilt 45W for the following crops: Celery, cereals (wheat, barley, rye, triticale and oats), citrus, grasses grown for seed, peanuts, pecans, pineapple, rice, wild rice, stone fruit and sugarcane without prejudice.
264–645	264	Glufosinate-Ammonium Manufacturing-Use Product.	Glufosinate	Rice.
264–646	264	Glufosinate-Ammonium Technical.	Glufosinate	Rice.
264–660	264	Liberty Herbicide	Glufosinate	Rice.
264–829	264	Liberty 280 SL Herbicide.	Glufosinate	Rice.
432–1525.	432	Sevin Brand Carbaryl Technical.	Carbaryl	Oyster beds & Pet (Collars only).
1021–2801.	1021	MGK Formula 74611.	Pyrethrins	Residential Indoor, Residential Outdoor & Indoor Non-food/Food Handling Establishments.
1839–63	1839	BTC 1010	1-Decanaminium, N-decyl-*N,N*-dimethyl-, chloride.	Golf/commercial turf/lawns, golf courses.

TABLE 2—PRODUCT REGISTRATION AMENDMENTS TO TERMINATE USES—Continued

Registration No.	Company No.	Product name	Active ingredient	Uses to be terminated
1839–77	1839	BTC 818	1-Octanaminium, *N,N*-dimethyl-N-octyl-, chloride; 1-Decanaminium, N-decyl-*N,N*-dimethyl-, chloride; & 1-Decanaminium, N,N-dimethyl-N-octyl-, chloride.	Golf courses.
1839–119.	1839	BTC 818–80%	1-Decanaminium, *N,N*-dimethyl-N-octyl-, chloride; 1-Octanaminium, *N,N*-dimethyl-N-octyl-, chloride; & 1-Decanaminium, N-decyl-*N,N*-dimethyl-, chloride.	Golf courses.
1839–135.	1839	BTC 1010–80%	1-Decanaminium, N-decyl-*N,N*-dimethyl-, chloride.	Golf/commercial turf/lawns, golf courses.
19713–75.	19713	Drexel Carbaryl Technical.	Carbaryl	Oyster Beds & Pet Collars.
61842–20.	61842	Layby Pro Herbicide	Diuron; & Linuron	Sweet Corn.
61842–21.	61842	Linex 4L Herbicide	Linuron	Sweet Corn.
61842–22.	61842	Linuron Technical	Linuron	Sweet Corn.
61842–23.	61842	Lorox DF	Linuron	Sweet Corn.
61842–24.	61842	Linuron Flake Technical.	Linuron	Sweet Corn.
61842–32.	61842	Linuron Technical	Linuron	Sweet Corn.
61842–35.	61842	Sevin Brand Technical Carbaryl Insecticide.	Carbaryl	Oyster beds & Pet (Collars only).
61842–36.	61842	Carbaryl 97.5% Manufacturing Use Concentrate Insecticide.	Carbaryl	Oyster beds & Pet (Collars only).
73049–427.	73049	Foray 48B	Bacillus thuringiensis Subsp. Kurstaki, Strain ABTS–351.	Nongrass Animal Feeds, Pome Fruits, Stone Fruits, Tree Nuts, Citrus Fruits, Small Fruits and Berries, Grape, Banana, Tropical Fruits, Kiwi, Pineapple, Melon, Root and Tuber Vegetables, Leaves of Root and Tuber Vegetables, Bulb Vegetables, Leafy Vegetables, Legume Vegetables, Foliage of Legume Vegetables, Fruiting Vegetables, Brassica (Cole) Leafy Vegetables, Cucurbit Vegetables, Artichoke, Asparagus, Malanga, Watercress, Corn, Herbs and Spices, Mint, Avocado, Rice, Cotton, Canola/Rapeseed, Hops, Jojoba, Peanut, Persimmon, Pomegranate, Safflower, Sorghum, Soybean, Sunflower, Small Grains & Tobacco.
89816–2	89816	Mebrom 100	Methyl bromide (NO INERT USE).	Caneberries, (Raspberries, Blackberries, Boysenberries), Golf Course Tees, Greens and Fairways, Athletic Fields, Tobacco Seedling Trays, Orchard Replant, Ornamentals and Forest Seedlings.
90736–2	90736	Tebuconazole Tech	Tebuconazole	Seed Treatment uses on Barley, Corn, Oats & Wheat.

Table 3 of this unit includes the names and addresses of record for all registrants of the products in Tables 1 and 2 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 and Table 2 of this unit.

TABLE 3—REGISTRANTS OF CANCELLED AND AMENDED PRODUCTS

EPA company No.	Company name and address
100	Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419–8300.
241	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
264	Bayer CropScience, LP, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709.
279	FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104.
303	Huntington Professional Products, A Service of Ecolab, Inc., 1 Ecolab Place, St. Paul, MN 55102.

TABLE 3—REGISTRANTS OF CANCELLED AND AMENDED PRODUCTS—Continued

EPA company No.	Company name and address
400	Macdermid Agricultural Solutions, Inc., c/o Arysta LifeScience North America, LLC, 15401 Weston Parkway, Suite 150, Cary, NC 27513.
432	Bayer Environmental Science, A Division of Bayer CropScience LP, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709.
464	The Dow Chemical Co., 1501 Larkin Center Drive, 200 Larkin Center, Midland, MI 48674.
498	Chase Products Co., P.O. Box 70, Maywood, IL 60153.
706	Claire Manufacturing Company, Agent Name: Regwest Company, LLC, 8203 West 20th Street, Suite A, Greeley, CO 80634–4696.
875	Diversey, Inc., 1410 Newman Road, Racine, WI 53406.
954	King Research, Inc., Agent Name: Lewis & Harrison, LLC, 122 C Street NW., Suite 505, Washington, DC 20001.
1020	Chemetall US, Inc., 675 Central Avenue, New Providence, NJ 07974–0007.
1021	McLaughlin Gormley King Company, 8810 Tenth Ave., North, Minneapolis, MN 55427–4319.
1072	Gea Farm Technologies, Inc., Agent Name: Regwest Company, LLC, 8203 West 20th Street, Suite A, Greeley, CO 80634–4696.
1270	Zep, Inc., c/o Compliance Services, 1259 Seaboard Industrial Blvd. NW., Atlanta, GA 30318.
1839	Stepan Company, 22 W. Frontage Rd., Northfield, IL 60093.
2296	National Chemical Laboratories, Inc., 401 N. 10th Street, Philadelphia, PA 19123.
5813	The Clorox Co., P.O. Box 493, Pleasanton, CA 94566–0803.
7969	BASF Corporation, 26 Davis Drive, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
10324	Mason Chemical Company, 723 W. Algonquin Rd., Suite B, Arlington Heights, IL 60005.
10807	Amrep, Inc., Agent Name: Zep, Inc., c/o Compliance Services, 1259 Seaboard Industrial Blvd. NW., Atlanta, GA 30318.
12455	Bell Laboratories, Inc., 3699 Kinsman Blvd., Madison, WI 53704.
19713	Drexel Chemical Company, P.O. Box 13327, Memphis, TN 38113–0327.
33176	Amrep, Inc., Agent Name: Zep, Inc., c/o Compliance Services, 1259 Seaboard Industrial Blvd. NW., Atlanta, GA 30318.
39967	Lanxess Corporation, 111 RIDC Park West Drive, Pittsburgh, PA 15275–1112.
47000	Chem-Tech, Ltd., 110 Hopkins Drive, Randolph, WI 53956.
48222	Agro-K Corporation, Agent Name: Spring Trading Company, 203 Dogwood Trail, Magnolia, TX 77354.
49547	Alen Del Norte, Agent Name: Delta Analytical Corp., 12510 Prosperity Drive, Suite 160, Silver Spring, MD 20904.
51873	Fair Products, Inc., P.O. Box 386, Cary, NC 27512.
57538	Stoller Enterprises, Inc., Agent Name: Spring Trading Company, 203 Dogwood Trail, Magnolia, TX 77354.
59106	The Lubrizol Corporation, 29400 Lakeland Blvd., Wickliffe, OH 44092–2298.
61842	Tessenderlo Kerley, Inc., Agent Name: Pyxis Regulatory Consulting, Inc., 4110 136th Street Ct NW., Gig Harbor, WA 98332.
66222	Makhteshim Agan of North America, Inc., D/B/A Adama, 3120 Highwoods Blvd., Suite 100, Raleigh, NC 27604.
70385	Prorestore Products, Agent Name: Lewis & Harrison, LLC, 122 C Street NW., Suite 505, Washington, DC 20001.
72138	White Cap, Inc., Agent Name: Delta Analytical Corp., 12510 Prosperity Drive, Suite 160, Silver Spring, MD 20904.
73049	Valent Biosciences Corporation, 870 Technology Way, Libertyville, IL 60048–6316.
87538	Coeus Technology, Inc., 5540 West 53rd Street Parkway, Anderson, IN 46013.
89816	Mebrom Corp., Agent Name: PRA Registrations, LLC, 8595 Collier Blvd., Suite 107–51, Naples, FL 34114.
90736	Jiangsu Fengdeng Crop Science Co., Ltd., Agent Name: Pyxis Regulatory Consulting, Inc., 4110 136th St., CT NW., Gig Harbor, WA 98332.
91411	Kocide, LLC, Agent Name: Wagner Regulatory Associates, Inc., P.O. Box 640, Hockessin, DE 19707.

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received two comments in response to the April 10, 2017 **Federal Register** notice announcing the Agency's receipt of the requests for voluntary cancellations and amendments to terminate uses of products listed in Table 1 and Table 2 of Unit II. One comment was received from Stepan Company requesting that EPA Reg. No. 1839–189 be retained and a second comment was received from Mason Chemical Company requesting that EPA Reg. No. 10324–89 be retained.

IV. Cancellation Order

Pursuant to FIFRA section 6(f) (7 U.S.C. 136d(f)(1)), EPA hereby approves the requested cancellations and amendments to terminate uses of the registrations identified in Tables 1 and 2 of Unit II. Accordingly, the Agency hereby orders that the product registrations identified in Tables 1 and 2 of Unit II are canceled and amended to terminate the affected uses. The effective date of the cancellations that are subject of this notice is August 29, 2017. Any distribution, sale, or use of existing stocks of the products identified in Tables 1 and 2 of Unit II in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI will be a violation of FIFRA.

V. What is the agency's authority for taking this action?

Section 6(f)(1) of FIFRA (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment in the **Federal Register** of April 10, 2017. The comment period closed on May 10, 2017.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which were packaged, labeled, and released for shipment prior to the effective date of the action. The existing stocks provision for the products subject to this order is as follows.

A. For Products 706–69 (sell through date of September 27, 2018), 10324–169, 10324–174, 10324–184, 10324–197, 10324–218, 10807–438 and 33176–24

The registrants have requested to the Agency via letter to sell existing stocks for an 18-month period for products 706–69 (sell through date of September 27, 2018), 10324–169, 10324–174, 10324–184, 10324–197, 10324–218, 10807–438 and 33176–24.

B. For All Other Products Identified in Table 1

For the other voluntary product cancellations listed in Table 1 of Unit II, the registrants may continue to sell and distribute existing stocks of the products listed in Table 1 until August 29, 2018, which is 1 year after publication of this cancellation order in the **Federal Register**. Thereafter, the registrants are prohibited from selling or distributing the products listed in Table 1 of Unit II., except for export in accordance with FIFRA section 17 (7 U.S.C. 136o) or for proper disposal.

C. For All Products Identified in Table 2

Now that EPA has approved product labels reflecting the requested amendments to terminate uses for the products listed in Table 2 of Unit II, registrants are permitted to sell or distribute the products listed in Table 2, under the previously approved labeling until February 28, 2019, a period of 18 months after publication of this cancellation order in this **Federal Register**, unless other restrictions have been imposed. Thereafter, registrants will be prohibited from selling or distributing the products whose labels include the terminated uses identified in Table 2 of Unit II, except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant may sell, distribute, or use existing stocks of canceled products and products whose labels include the terminated uses until supplies are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products and products whose labels include the terminated uses.

Authority: 7 U.S.C. 136 *et seq.*

Dated: June 28, 2017.

Delores Barber,

Director, Information Technology and Resources Management Division, Office of Pesticide Programs.

[FR Doc. 2017–17619 Filed 8–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2007–0478, FRL– 9967–03–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Regulation of Fuels and Fuel Additives: Gasoline Volatility (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), Regulation of Fuels and Fuel Additives: Gasoline Volatility (EPA ICR No. 1367.12, OMB Control No. 2060–0178) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). This is a proposed extension of the ICR, which is currently approved through August 31, 2017. Public comments were previously requested via the **Federal Register** (82 FR 29548) on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before September 28, 2017.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2007–0478, online using *https://www.regulations.gov* (our preferred method), by email to *a-and-r-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code: 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: James W. Caldwell, Compliance Division, Office of Transportation and Air Quality, Mail Code 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 343–9303; fax number: (202) 343–2801; email address: *caldwell.jim@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *https://www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Gasoline volatility, as measured by Reid Vapor Pressure (RVP) in pounds per square inch (psi), is controlled in the spring and summer in order to minimize evaporative hydrocarbon emissions from motor vehicles. RVP is subject to a Federal standard of 7.8 psi or 9.0 psi, depending on location. The addition of ethanol to gasoline increases the RVP by about 1 psi. Gasoline that contains 9 volume percent to 10 volume percent ethanol is subject to a standard that is 1.0 psi greater. As an aid to industry compliance and EPA enforcement, the product transfer document, which is prepared by the producer or importer and which accompanies a shipment of gasoline containing ethanol, is required by regulation to contain a legible and conspicuous statement that the gasoline contains ethanol and the percentage concentration of ethanol. This is intended to deter the mixing within the distribution system, particularly in retail storage tanks, of gasoline which contains ethanol in the 9 to 10 percent range with gasoline which does not contain ethanol in that range. Such mixing would likely result in a gasoline which is in violation of its RVP standard. Also, a party wishing a testing exemption, for research on gasoline that is not in compliance with the applicable volatility standard, must submit certain information to EPA.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are those who produce or import gasoline containing ethanol, or who wish to obtain a testing exemption.

Respondent's obligation to respond: Mandatory per 40 CFR 80.27(d) and (e).

Estimated number of respondents: 2,000.

Frequency of response: On occasion.

Total estimated burden: 12,330 hours per year. Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1.1 million, includes $20 annualized capital or operation & maintenance costs.

Changes in estimates: There is no change in the hours in the total estimated respondent burden compared with the ICR currently approved by OMB. The use of ethanol in gasoline has increased slightly, but that has been offset by a slight decrease in gasoline consumption.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2017–18296 Filed 8–28–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 25, 2017.

A. *Federal Reserve Bank of New York* (Ivan Hurwitz, Vice President) 33 Liberty Street, New York, New York 10045–0001. Comments can also be sent electronically to *Comments.applications@ny.frb.org:*

1. *Valley National Bancorp,* Wayne, New Jersey; to merge with USAmeriBancorp, and thereby indirectly acquire USAmeriBank, both in Clearwater, Florida.

B. *Federal Reserve Bank of Richmond* (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528. Comments can also be sent electronically to or *Comments.applications@rich.frb.org:*

1. *First Citizens Bancshares, Inc.,* Raleigh, North Carolina; to acquire up to 80 percent of the voting shares of KS Bancorp, Inc., and thereby indirectly acquire voting shares of KS Bank, Inc., both in Smithfield, North Carolina.

Board of Governors of the Federal Reserve System, August 24, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–18319 Filed 8–28–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than September 13, 2017.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Bradley J. Swan and Frank R. Swan, III,* as trustees of multiple Swan family trusts, each to retain voting shares of Tuttle Bancshares, Inc. (Tuttle), and thereby indirectly retain voting shares of Sooner State Bank, both in Tuttle, Oklahoma; and the following persons to retain voting shares of Tuttle as members of the Swan Family Group as a group acting in concert: The *Bradley J. Swan Revocable Trust dated 12–8–2015, and Bradley J. Swan and Cathy Swan, as co-trustees,* all of Kingston, Oklahoma; *the Frank Rudell Swan Jr. Family Trust and Frank R. Swan, III, as trustee,* both of Harrah, Oklahoma; *the Frank R. Swan, III Trust of the 1992 Swan GST Exemption Trusts and Christy L. Slama, as trustee,* both of Harrah, Oklahoma; *the Christy Lee Slama Trust of the 1992 Swan GST Exemption Trusts and Frank R. Swan, III, as trustee,* both of Harrah, Oklahoma; *the Ashley Diane Swan Trust of the 1992 GST Exemption Trust, and Christy L. Slama and Frank R. Swan, III, as co-trustees,* all of Harrah, Oklahoma; *the Nancy L. Cuff Revocable Living Trust uad 3–23–2017, and Nancy Lynn Cuff, as trustee,* both of Oklahoma City, Oklahoma; *the Frank R. Swan, III Revocable Trust dated 9–19–2001, and Frank R. Swan, III and Mysti D. Swan, as co-trustees,* all of Harrah, Oklahoma; *the Christy L. Slama Revocable Trust dated 2–28–2003, and Steven Slama and Christy L. Slama, as co-trustees,* all of Harrah, Oklahoma; *the Ashley Diane Swan 2016 Estate Trust, and Christy L. Slama, as trustee, both of Harrah, Oklahoma; Bradley J. Swan, II,* Harrah, Oklahoma; and *the Esther Martin Swan QTIP Trust, and Gregg L. Vandaveer, as trustee,* both of Oklahoma City, Oklahoma.

Board of Governors of the Federal Reserve System, August 24, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–18318 Filed 8–28–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also

includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 22, 2017.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528. Comments can also be sent electronically to or *Comments.applications@rich.frb.org:*

1. *Union Bankshares Corporation,* Richmond, Virginia; to acquire 100 percent of the voting securities of Xenith Bankshares, Inc., and thereby indirectly acquire Xenith Bank, both in Richmond, Virginia.

Board of Governors of the Federal Reserve System, August 23, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–18216 Filed 8–28–17; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Government in the Sunshine Meeting Notice

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m. on Friday, September 1, 2017.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th Street entrance between Constitution Avenue and C Streets NW., Washington, DC 20551.

STATUS: Open.

On the day of the meeting, you will be able to view the meeting via webcast from a link available on the Board's public Web site. *You do not need to register to view the webcast of the meeting.* A link to the meeting documentation will also be available approximately 20 minutes before the start of the meeting. Both links may be accessed from the Board's public Web site at *www.federalreserve.gov.*

If you plan to attend the open meeting in person, we ask that you notify us in advance and provide your name, date of birth, and social security number (SSN) or passport number. You may provide this information by calling 202–452–2474 or you may *register online.* You may pre-register until close of business on Thursday, August 31, 2017. You also will be asked to provide identifying information, including a photo ID, before being admitted to the Board meeting. The Public Affairs Office must approve the use of cameras; please call 202–452–2955 for further information. If you need an accommodation for a disability, please contact Penelope Beattie on 202–452–3982. For the hearing impaired only, please use the Telecommunication Device for the Deaf (TDD) on 202–263–4869.

PRIVACY ACT NOTICE: The information you provide will be used to assist us in prescreening you to ensure the security of the Board's premises and personnel. In order to do this, we may disclose your information consistent with the routine uses listed in the Privacy Act Notice for BGFRS–32, including to appropriate federal, state, local, or foreign agencies where disclosure is reasonably necessary to determine whether you pose a security risk or where the security or confidentiality of your information has been compromised. We are authorized to collect your information by 12 U.S.C. 243 and 248, and Executive Order 9397. In accordance with Executive Order 9397, we collect your SSN so that we can keep accurate records, because other people may have the same name and birth date. In addition, we use your SSN when we make requests for information about you from law enforcement and other regulatory agency databases. Furnishing the information requested is voluntary; however, your failure to provide any of the information requested may result in disapproval of your request for access to the Board's premises. You may be subject to a fine or imprisonment under 18 U.S.C. 1001 for any false statements you make in your request to enter the Board's premises.

MATTERS TO BE CONSIDERED:

Discussion Agenda:

1. Final Rule Establishing Restrictions on Qualified Financial Contracts of Systemically Important U.S. Banking Organizations and the U.S. Operations of Systemically Important Foreign Banking Organizations.

Notes: 1. The staff memo to the Board will be made available to attendees on the day of the meeting in paper and the background material will be made available on a compact disc (CD). If you require a paper copy of the entire document, please call Penelope Beattie on 202–452–3982. The documentation will not be available until about 20 minutes before the start of the meeting.

2. This meeting will be recorded for the benefit of those unable to attend. The webcast recording and a transcript of the meeting will be available after the meeting on the Board's public Web site *http://www.federalreserve.gov/aboutthefed/boardmeetings/* or if you prefer, a CD recording of the meeting will be available for listening in the Board's Freedom of Information Office, and copies can be ordered for $4 per disc by calling 202–452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

For more information: Please contact Michelle Smith, Director, or Dave Skidmore, Assistant to the Board, Office of Board Members at 202–452–2955.

Supplemental Information: You may access the Board's public Web site at *www.federalreserve.gov* for an electronic announcement. (The Web site also includes procedural and other information about the open meeting.)

Dated: August 25, 2017.

Ann Misback,

Secretary of the Board.

[FR Doc. 2017–18403 Filed 8–25–17; 4:15 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Evaluation of Employment Coaching for TANF and Other Low-Income Populations.

OMB NO.: New Collection.

Description: The Administration for Children and Families (ACF) is proposing a data collection activity as part of the Evaluation of Employment Coaching for TANF and Other Low-Income Populations. This study will provide an opportunity to learn more about the potential of coaching to help clients achieve self-sufficiency and other desired employment-related outcomes. It will take place over five years in up to three employment programs. These programs may be Temporary Assistance for Needy Families (TANF) agencies or other public or private employment programs that serve low-income individuals. Selected sites will include a robust coaching component and have the capacity to conduct a rigorous impact evaluation, among other criteria. This study will provide information on whether coaching helps people obtain and retain jobs, advance in their careers,

move toward self-sufficiency, and improve their overall well-being. To meet these objectives, this study will include an impact and implementation study.

The impact study will involve participants being randomly assigned to either a ''program group,'' who will be paired with a coach, or to a ''control group,'' who will not be paired with a coach. The effectiveness of the coaching will be determined by differences between members of the program and control groups in outcomes such as obtaining and retaining employment, earnings, measures of self-sufficiency, and measures of self-regulation.

The implementation study will document coaching practices, describe lessons learned from implementing coaching, and enhance interpretation of the impact study findings.

The proposed information collection activities are: (1) Baseline data collection: Collection of characteristics data on all study participants as they enroll in the study. Data will be entered into the Random Assignment, Participant Tracking Enrollment, and Reporting (RAPTER) system; (2) First follow-up survey: Collection of outcome data for a subset of study participants about 9 months after random assignment; (3) Semi-structured staff interviews: Collection of qualitative data on the design and implementation of the program; (4) Staff survey: Collection of information on staff members' professional backgrounds, training, coaching practices, and attitudes; (5) In-depth participant interviews: Collection of detailed information about the participants' backgrounds and experiences with coaching; (6) Staff reports of program service receipt: Collection of data on coaching and other program services received by study participants and entered into RAPTER; and (7) Video recordings of coaching sessions: Collection of data on the interaction between the coaches and participants.

A second follow-up survey will be administered approximately 21 months after random assignment. This data collection activity will be included under a separate OMB submission.

Respondents: Program staff and individuals enrolled in the Evaluation of Employment Coaching for TANF and Other Low-Income Populations. Program staff may include coaches, case managers, workshop instructors, job developers, supervisors, and managers. All participants will be able to opt out of participating in the data collection activities.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Baseline data collection—study participants	6,000	2,000	1	0.33	660
Baseline data collection—staff	60	20	100	0.33	660
First follow-up survey	2,400	800	1	1	800
Semi-structured staff interviews	66	22	1	1.5	33
Staff survey	48	16	1	0.75	12
In-depth participant interviews	24	8	1	2.5	20
Staff reports of program service receipt	30	10	5,200	0.03	1,560
Video recordings of coaching sessions	27	9	10	0.10	9

Estimated Total Annual Burden Hours: 3,754.

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*. Attn: Desk Officer for the Administration for Children and Families.

Mary Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2017–18226 Filed 8–28–17; 8:45 am]

BILLING CODE 4184–09–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Refugee Assistance Program Estimates: CMA–ORR–1.

OMB No.: 0970–0030.

Description: The ORR–1, Cash and Medical Assistance (CMA) Program Estimates, is the application for grants under the CMA program. The application is required by the Office of Refugee Resettlement (ORR) program regulations at 45 CFR 400.11(b). The regulation specifies that States must submit, as their application for this program, estimates of the projected costs they anticipate incurring in providing cash and medical assistance for eligible recipients and the costs of administering the program. Under the CMA program, States are reimbursed for the costs of providing these services and benefits for eight months after an eligible recipient arrives in this country. The eligible recipients for these services and benefits are refugees, Amerasians, Cuban and Haitian Entrants, asylees, Afghans and Iraqi with Special Immigrant Visas, and victims of a severe form of trafficking. States that provide services for unaccompanied refugee minors also provide an estimate for the cost of these services for the year for which they are applying for grants.

ORR proposes streamlining language to make the instructions easier to read. ORR proposes adding language for clarification and consistency across programs. Additionally, ORR proposes to require states to submit copies of their contracts with URM providers with the submission.

Respondents: State Agencies, the District of Columbia, Replacement

Designees under 45 CFR 400.301(c), and Wilson-Fish Grantees (State 2 Agencies) administering or supervising the administration of programs under Title IV of the Act.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ORR–1, Cash and Medical Assistance Program Estimates	55	1	0.60	33

Estimated Total Annual Burden Hours: 33.

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW., Washington, DC 20201. Attention Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2017–18254 Filed 8–28–17; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–0007]

Generic Drug User Fee Rates for Fiscal Year 2018

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Generic Drug User Fee Amendments of 2017 (GDUFA II), authorizes FDA to assess and collect fees for abbreviated new drug applications (ANDAs), drug master files (DMFs), generic drug active pharmaceutical ingredient (API) facilities, finished dosage form (FDF) facilities, contract manufacturing organization (CMO) facilities, and generic drug applicant program user fees. In this document the Food and Drug Administration (FDA or Agency) is announcing fiscal year (FY) 2018 rates for GDUFA fees.

FOR FURTHER INFORMATION CONTACT: David Haas, Office of Financial Management, Food and Drug Administration, 8455 Colesville Rd., COLE–14202I, Silver Spring, MD 20993–0002, 240–402–9845.

SUPPLEMENTARY INFORMATION:

I. Background

Sections 744A and 744B of the FD&C Act (21 U.S.C. 379j–41 and 379j–42) establish fees associated with human generic drug products. Fees are assessed on: (1) Certain types of applications for human generic drug products; (2) certain facilities where APIs and FDFs are produced; (3) certain DMFs associated with human generic drug products; and (4) the generic drug applicant program (see section 744B(a)(1)–(5) of the FD&C Act).

GDUFA II fees vary greatly from those in GDUFA I because of two fundamental adjustments to the fee structure:

(1) The revenue base for GDUFA II is $493.6 million versus $323 million in the final year of GDUFA I—ANDAs are the primary workload driver of the program. GDUFA I was built on the assumption that FDA would receive 750 ANDAs per year. Over the first 4 years of GDUFA I, ANDA receipts have averaged approximately 1,000 per year. To address the increased workload, FDA hired additional staff and is projected to spend about $430 million in the final year of GDUFA I. To maintain FDA's current productivity and implement negotiated improvements, GDUFA II stipulates that user fees should total $493.6 million annually adjusted each year for inflation.

(2) GDUFA II will for the first time rely on annual program fees—GDUFA II shifts the fee burden somewhat from facility fees.

For FY 2018, the generic drug fee rates are: ANDA ($171,823), DMF ($47,829), domestic API facility ($45,367), foreign API facility ($60,367), domestic FDF facility ($211,087), foreign FDF facility ($226,087), domestic CMO facility ($70,362), foreign CMO facility ($85,362), large size operation generic drug applicant program ($1,590,792), medium size operation drug applicant program ($636,317), and small business generic drug applicant program ($159,079). These fees are effective on October 1, 2017, and will remain in effect through September 30, 2018.

II. Fee Revenue Amount for FY 2018

The base revenue amount for FY 2018 is $493,600,000, as set in the statute (see section 744B(b)(1) of the FD&C Act). GDUFA II directs FDA to use the yearly revenue amount as a starting point to set the fee rates for each fee type. For more information about GDUFA II, please refer to the FDA Web site (*http://www.fda.gov/gdufa*). The ANDA, DMF, API facility, FDF facility, CMO facility, and generic drug applicant program fee (GDUFA Program Fee) calculations for FY 2018 are described in this document.

GDUFA II specifies that the $493,600,000 is to be adjusted for inflation increases for FY 2019 through FY 2022 using two separate adjustments—one for personnel compensation and benefits (PC&B) and one for non-PC&B costs (see section 744B(c)(1) of the FD&C Act). Because the adjustment for inflation does not take effect until FY 2019, FDA will not adjust the base revenue amount for inflation in FY 2018.

III. ANDA Fee

Under GDUFA II, the FY 2018 ANDA fee is owed by each applicant that submits an ANDA on or after October 1, 2017. This fee is due on the receipt date of the ANDA. Section 744B(b)(2)(B) specifies that the ANDA fee will make up 33 percent of the $493,600,000, which is $162,888,000.

To calculate the ANDA fee, FDA estimated the number of full application equivalents (FAEs) that will be submitted in FY 2018. An ANDA counts as one FAE; however, 75 percent of the

fee paid for an ANDA shall be refunded according to GDUFA II if (1) the ANDA is refused for a cause other than failure to pay fees or (2) the ANDA has been withdrawn prior to receipt (section 744B(a)(2)(D)(i) of the FD&C Act). Therefore, an ANDA that is considered not to have been received by FDA due to reasons other than failure to pay fees or withdrawn prior to receipt counts as one-fourth of an FAE if the applicant initially paid a full application fee. One hundred percent of the fee paid for an ANDA shall be refunded if FDA initially receives the ANDA and subsequent to initial receipt, FDA determines that exclusivity should have prevented receipt of the ANDA, and thus FDA determines that the ANDA is no longer received (section 744B(a)(2)(D))(ii) of the FD&C Act).

FDA utilized data from ANDAs submitted from October 1, 2013, to April 30, 2017, to estimate the number of new original ANDAs that will incur filing fees in FY 2018. For FY 2018, the Agency estimates that approximately 938 new original ANDAs will be submitted and incur filing fees. Not all of the new original ANDAs will be received by the Agency and some of those not received will be resubmitted in the same fiscal year. Therefore, the Agency expects that the FAE count for ANDAs will be 948 for FY 2018.

The FY 2018 application fee is estimated by dividing the number of FAEs that will pay the fee in FY 2018 (948) into the fee revenue amount to be derived from ANDA application fees in FY 2018 ($162,888,000). The result, rounded to the nearest dollar, is a fee of $171,823 per ANDA.

The statute provides that those ANDAs that include information about the production of active pharmaceutical ingredients other than by reference to a DMF will pay an additional fee that is based on the number of such active pharmaceutical ingredients and the number of facilities proposed to produce those ingredients (see section 744B(a)(3)(F) of the FD&C Act). FDA considers that this additional fee is unlikely to be assessed often; therefore, FDA has not included projections concerning the amount of this fee in calculating the fees for ANDAs.

IV. DMF Fee

Under GDUFA II, the DMF fee is owed by each person that owns a type II active pharmaceutical ingredient DMF that is referenced, on or after October 1, 2012, in a generic drug submission by an initial letter of authorization. This is a one-time fee for each DMF. This fee is due on the earlier of the date on which the first generic drug submission is submitted that references the associated DMF or the date on which the drug master file holder requests the initial completeness assessment. Under section 744B(a)(2)(D)(iii) of the FD&C Act, if a DMF has successfully undergone an initial completeness assessment and the fee is paid, the DMF will be placed on a publicly available list documenting DMFs available for reference.

To calculate the DMF fee, FDA assessed the volume of DMF submissions over time. The Agency assessed DMFs from October 1, 2015, to April 30, 2017, and concluded that averaging the number of fee-paying DMFs provided the most accurate model for predicting fee-paying DMFs for FY 2018. FDA is estimating 516 fee-paying DMFs for FY 2018.

The FY 2018 DMF fee is determined by dividing the DMF target revenue by the estimated number of fee-paying DMFs in FY 2018. Section 744B(b)(2)(A) specifies that the DMF fees will make up five percent of the $493,600,000, which is $24,680,000. Dividing the DMF revenue amount ($24,680,000) by the estimated fee-paying DMFs (516), and rounding to the nearest dollar, yields a DMF fee of $47,829 for FY 2018.

V. Foreign Facility Fee Differential

Under GDUFA II, the fee for a facility located outside the United States and its territories and possessions shall be $15,000 higher than the amount of the fee for a facility located in the United States and its territories and possessions. The basis for this differential is the extra cost incurred by conducting an inspection outside the United States and its territories and possessions.

VI. FDF and CMO Facility Fees

Under GDUFA II, the annual FDF facility fee is owed by each person who owns an FDF facility that is identified in at least one approved generic drug submission owned by that person or his affiliates. The CMO facility fee is owed by each person who owns an FDF facility that is identified in at least one approved ANDA but is not identified in an approved ANDA held by the owner of that facility or its affiliates. These fees are due no later than the first business day on or after October 1 of each such year. Section 744B(b)(2)(C) of the FD&C Act specifies that the FDF and CMO facility fee revenue will make up 20 percent of the $493,600,000, which is $98,720,000.

To calculate the fees, data from FDA's Integrity Services (IS) were utilized as the primary source of facility information for determining the denominators of each facility fee type. IS is the master data steward for all facility information provided in generic drug submissions received by FDA. A facility's reference status in an approved generic drug submission is extracted directly from submission data rather than relying on data from self-identification. This information provided the number of facilities referenced as FDF manufacturers in at least one approved generic drug submission. Based on FDA's IS data for FY 2018, the FDF and CMO facility denominators are 182 FDF domestic, 208 FDF foreign, 71 CMO domestic, and 97 CMO foreign facilities.

GDUFA II specifies that the CMO facility fee is to be equal to one-third the amount of the FDF facility fee. Therefore, to generate the target collection revenue amount from FDF and CMO facility fees ($98,720,000), FDA must weight a CMO facility as one-third of an FDF facility. FDA set fees based on the estimate of 182 FDF domestic, 208 FDF foreign, 23.67 CMO domestic (71 multiplied by one-third), and 32.33 CMO foreign facilities (97 multiplied by one-third), which equals 446 total weighted FDF and CMO facilities for FY 2018.

To calculate the fee for domestic facilities, FDA first determines the total fee revenue that will result from the foreign facility differential by subtracting the fee revenue resulting from the foreign facility fee differential from the target collection revenue amount ($98,720,000) as follows. The foreign facility fee differential revenue equals the foreign facility fee differential ($15,000) multiplied by the number of FDF foreign facilities (208) plus the foreign facility fee differential ($15,000) multiplied by the number of CMO foreign facilities (97), totaling $4,575,000. This results in foreign fee differential revenue of $4,575,000 from the total FDF and CMO facility fee target collection revenue. Subtracting the foreign facility differential fee revenue ($4,575,000) from the total FDF and CMO facility target collection revenue ($98,720,000) results in a remaining facility fee revenue balance of $94,145,000. To determine the domestic FDF facility fee, FDA divides the $94,145,000 by the total weighted number of FDF and CMO facilities (446), which results in a domestic FDF facility fee of $211,087. The foreign FDF facility fee is $15,000 more than the domestic FDF facility fee, or $226,087.

CMO fees are as follows. According to GDUFA II, the domestic CMO fee is calculated as one-third the amount of the domestic FDF facility fee. Therefore, the domestic CMO fee is $70,362, rounded to the nearest dollar. The

foreign CMO fee is calculated as the domestic CMO fee plus the foreign fee differential of $15,000. Therefore, the foreign CMO fee is $85,362.

VII. API Facility Fee

Under GDUFA II, the annual API facility fee is owed by each person who owns a facility that is identified in (1) at least one approved generic drug submission or (2) in a Type II API DMF referenced in at least one approved generic drug submission. These fees are due no later than the first business day on or after October 1 of each such year. Section 744B(b)(2)(D) of the FD&C Act specifies the API facility fee will make up seven percent of $493,600,000 in fee revenue, which is $34,552,000.

To calculate the API facility fee, data from FDA's IS were utilized as the primary source of facility information for determining the denominator. As stated above, IS is the master data steward for all facility information provided in generic drug submissions received by FDA. A facility's reference status in an approved generic drug submission is extracted directly from submission data rather than relying on data from self-identification. This information provided the number of facilities referenced as API manufacturers in at least one approved generic drug submission.

The total number of API facilities identified was 592. Of the total facilities identified as API facilities, there were 79 domestic facilities and 513 foreign facilities. The foreign facility differential is $15,000. To calculate the fee for domestic facilities, FDA must first subtract the fee revenue that will result from the foreign facility fee differential. FDA takes the foreign facility differential ($15,000) and multiplies it by the number of foreign facilities (513) to determine the total fee revenue that will result from the foreign facility differential. As a result of that calculation, the foreign fee differential revenue will make up $7,695,000 of the total API fee revenue. Subtracting the foreign facility differential fee revenue ($7,695,000) from the total API facility target revenue ($34,552,000) results in a remaining balance of $26,857,000. To determine the domestic API facility fee, we divide the $26,857,000 by the total number of facilities (592), which gives us a domestic API facility fee of $45,367. The foreign API facility fee is $15,000 more than the domestic API facility fee, or $60,367.

VIII. Generic Drug Applicant Program Fee

Under GDUFA II, if a person and its affiliates own at least one but not more than five approved ANDAs on October 1, 2017, the person and its affiliates shall owe a small business GDUFA Program Fee. If a person and its affiliates own at least 6 but not more than 19 approved ANDAs, the person and its affiliates shall owe a medium size operation GDUFA Program Fee. If a person and its affiliates own at least 20 approved ANDAs, the person and its affiliates shall owe a large size operation GDUFA Program Fee. These fees are due no later than the first business day on or after October 1 of each such year. Section 744B(b)(2)(E) of the FD&C Act specifies the GDUFA Program Fee will make up 35 percent of $493,600,000 in fee revenue, which is $172,760,000.

To determine the appropriate number of applicants for each tier, the Agency has posted lists of approved ANDAs on the FDA Web site (*http://www.fda.gov/gdufa*) and asked applicants on the list to claim which ANDAs and affiliates belong to the parent company. The original list of approved ANDAs came from the Agency's Document Archiving, Reporting, and Regulatory Tracking System (DARRTS), which included all ANDAs with the status of ''approved'' as of April 30, 2017.

In determining the appropriate number of approved ANDAs, the Agency has factored in a number of variables that could affect the collection of the target revenue: (1) Inactive ANDAs—applicants who have not submitted an annual report for one or more of their approved applications within the past 2 years; (2) unclaimed affiliations—a risk of undercollecting the target revenue if companies do not claim their ANDAs and their affiliates before the Program Fee is calculated; and (3) potential portfolio adjustment—applicants may choose to withdraw some of their approved ANDAs in order to move to a lower tier and reduce their fee exposure. The list of original approved ANDAs from the DARRTS database as of April 30, 2017, shows 339 applicants in the small business tier, 74 applicants in the medium size tier, and 65 applicants in the large size tier. This list also takes into account all the withdrawals, consolidations, and transfer of ownerships from industry as of April 30, 2017. Factoring in all the variables for the first year of GDUFA II, the Agency estimates there will be 258 applicants in the small business tier, 52 applicants in the medium size tier, and 62 applicants in the large size tier for FY 2018.

To calculate the GDUFA Program Fee, GDUFA II provides that large size operation generic drug applicants pay the full fee, medium size operation applicants pay two-fifths of the full fee, and small business applicants pay one-tenth of the full fee. To generate the target collection revenue amount from GDUFA Program Fees ($172,760,000), we must weigh medium and small tiered applicants as a subset of a large size operation generic drug applicant. FDA will set fees based on the weighted estimate of 25.8 applicants in the small business tier (258 multiplied by 10 percent), 20.8 applicants in the medium size tier (52 multiplied by 40 percent), and 62 applicants in the large size tier, arriving at 108.6 total weighted applicants for FY 2018.

To generate the large size operation GDUFA Program Fee, FDA divides the target revenue amount of $172,760,000 by 108.6, which equals $1,590,792. The medium size operation GDUFA Program Fee is 40 percent of the full fee ($636,317), and the small business operation GDUFA Program Fee is 10 percent of the full fee ($159,079).

IX. Fee Schedule for FY 2018

The fee rates for FY 2018 are set out in table 1.

TABLE 1—FEE SCHEDULE FOR FY 2018

Fee category	Fee rates for FY 2018
Applications:	
Abbreviated New Drug Application (ANDA)	$171,823
Drug Master File (DMF)	47,829
Facilities:	
Active Pharmaceutical Ingredient (API)—Domestic	45,367
API—Foreign	60,367
Finished Dosage Form (FDF)—Domestic	211,087
FDF—Foreign	226,087
Contract Manufacturing Organization (CMO)—Domestic	70,362
CMO—Foreign	85,362
GDUFA Program:	
Large size operation generic drug applicant	1,590,792
Medium size operation generic drug applicant	636,317
Small business operation generic drug applicant	159,079

X. Fee Payment Options and Procedures

The new fee rates are effective October 1, 2017. To pay the ANDA, DMF, API facility, FDF facility, CMO facility, and GDUFA Program Fee, you must complete a Generic Drug User Fee Cover Sheet, available through *https://www.fda.gov/gdufa* and at *https://userfees.fda.gov/OA_HTML/gdufaCAcdLogin.jsp,* and generate a user fee identification (ID) number. Payment must be made in U.S. currency drawn on a U.S. bank by electronic check, check, bank draft, U.S. postal money order, credit card, or wire transfer. The

preferred payment method is online using electronic check (Automated Clearing House (ACH) also known as eCheck) or credit card (Discover, VISA, MasterCard, American Express). Secure electronic payments can be submitted using the User Fees Payment Portal at *https://userfees.fda.gov/pay* (*Note:* Only full payments are accepted. No partial payments can be made online.) Once you search for your invoice, select ''Pay Now'' to be redirected to *Pay.gov.* Note that electronic payment options are based on the balance due. Payment by credit card is available for balances less than $25,000. If the balance exceeds this amount, only the ACH option is available. Payments must be made using U.S. bank accounts as well as U.S. credit cards.

FDA has partnered with the U.S. Department of the Treasury to utilize *Pay.gov*, a web-based payment application, for online electronic payment. The *Pay.gov* feature is available on the FDA Web site after completing the Generic Drug User Fee Cover Sheet and generating the user fee ID number.

Please include the user fee ID number on your check, bank draft, or postal money order and make payable to the order of the Food and Drug Administration. Your payment can be mailed to: Food and Drug Administration, P.O. Box 979108, St. Louis, MO 63197–9000. If checks are to be sent by a courier that requests a street address, the courier can deliver checks to: U.S. Bank, Attention: Government Lockbox 979108, 1005 Convention Plaza, St. Louis, MO 63101. (*Note:* This U.S. Bank address is for courier delivery only. If you have any questions concerning courier delivery, contact the U.S. Bank at 314–418–4013. This telephone number is only for questions about courier delivery). Please make sure that the FDA post office box number (P.O. Box 979108) is written on the check, bank draft, or postal money order.

If paying by wire transfer, please reference your unique user fee ID number when completing your transfer. Without your unique user fee ID number, the payment may not be applied. If the payment amount is not applied, the invoice amount would be referred to collections. The originating financial institution may charge a wire transfer fee. Please ask your financial institution about the wire transfer fee and include it with your payment to ensure that your fee is fully paid. Use the following account information when sending a payment by wire transfer: U.S. Department of Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, account number: 75060099, routing number: 021030004, SWIFT: FRNYUS33, Beneficiary: FDA, 8455 Colesville Rd., 14th Floor, Silver Spring, MD 20993–0002. If needed, FDA's tax identification number is 53–0196965.

Dated: August 24, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–18377 Filed 8–28–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0007]

Medical Device User Fee Rates for Fiscal Year 2018

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the fee rates and payment procedures for medical device user fees for fiscal year (FY) 2018. The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Medical Device User Fee Amendments of 2017 (MDUFA IV), authorizes FDA to collect user fees for certain medical device submissions and annual fees both for certain periodic reports and for establishments subject to registration. This notice establishes the fee rates for FY 2018, which apply from October 1, 2017, through September 30, 2018. To avoid delay in the review of your application, you should pay the application fee before or at the time you submit your application to FDA. The fee you must pay is the fee that is in effect on the later of the date that your application is received by FDA or the date your fee payment is recognized by the U.S. Treasury. If you want to pay a reduced small business fee, you must qualify as a small business before making your submission to FDA; if you do not qualify as a small business before making your submission to FDA, you will have to pay the higher standard fee. Please note that the establishment registration fee is not eligible for a reduced small business fee. As a result, if the establishment registration fee is the only medical device user fee that you will pay in FY 2018, you should not submit a FY 2018 Small Business Qualification and Certification request. This document provides information on how the fees for FY 2018 were determined, the payment procedures you should follow, and how you may qualify for reduced small business fees.

FOR FURTHER INFORMATION CONTACT:

For information on Medical Device User Fees: Visit FDA's Web site at *https://www.fda.gov/ForIndustry/UserFees/MedicalDeviceUserFee/ucm20081521.htm.*

For questions relating to this notice: Robert Marcarelli, Office of Financial Management, Food and Drug Administration, 8455 Colesville Rd. (COLE–14202F), Silver Spring, MD 20993–0002, 301–796–7223.

SUPPLEMENTARY INFORMATION:

I. Background

Section 738 of the FD&C Act (21 U.S.C. 379j) establishes fees for certain medical device applications, submissions, supplements, notices, and requests (for simplicity, this document refers to these collectively as ''submissions'' or ''applications''); for periodic reporting on class III devices; and for the registration of certain establishments. Under statutorily-defined conditions, a qualified applicant may receive a fee waiver or may pay a lower small business fee (see 21 U.S.C. 379j(d) and (e)).

Under the FD&C Act, the fee rate for each type of submission is set at a specified percentage of the standard fee for a premarket application (a premarket application is a premarket approval application (PMA), a product development protocol (PDP), or a biologics license application (BLA)). The FD&C Act specifies the base fee for a premarket application for each year from FY 2018 through FY 2022; the base fee for a premarket application received by FDA during FY 2018 is $294,000. From this starting point, this document establishes FY 2018 fee rates for certain types of submissions, and for periodic reporting, by applying criteria specified in the FD&C Act.

The FD&C Act specifies the base fee for establishment registration for each year from FY 2018 through FY 2022; the base fee for an establishment registration in FY 2018 is $4,375. There is no reduction in the registration fee for small businesses. Each establishment that is registered (or is required to register) with the Secretary of Health and Human Services under section 510 of the FD&C Act (21 U.S.C. 360) because such establishment is engaged in the manufacture, preparation, propagation, compounding, or processing of a device is required to pay the annual fee for establishment registration.

II. Revenue Amount for FY 2018

The total revenue amount for FY 2018 is $183,280,756, as set forth in the

statute prior to the inflation adjustment (see 21 U.S.C. 379j(b)(3)). MDUFA directs FDA to use the yearly total revenue amount as a starting point to set the standard fee rates for each fee type. The fee calculations for FY 2018 are described in this document.

Inflation Adjustment

MDUFA specifies that the $183,280,756 is to be adjusted for inflation increases for FY 2018 using two separate adjustments—one for payroll costs and one for non-payroll costs (see 21 U.S.C. 379j(c)(2)). The base inflation adjustment for FY 2018 is the sum of one plus these two separate adjustments, and is compounded as specified in the statute (see 21 U.S.C. 379j(c)(2)(C) and 379j(c)(2)(B)).

The component of the inflation adjustment for payroll costs is the average annual percent change in the cost of all personnel compensation and benefits (PC&B) paid per full-time equivalent position (FTE) at FDA for the first three of the four preceding FYs, multiplied by 0.60, or 60 percent (see 21 U.S.C. 379j(c)(2)(C)).

Table 1 summarizes the actual cost and FTE data for the specified FYs, and provides the percent change from the previous FY and the average percent change over the first 3 of the 4 FYs preceding FY 2018. The 3-year average is 2.2354 percent (rounded).

TABLE 1—FDA PC&BS EACH YEAR AND PERCENT CHANGE

Fiscal year	2014	2015	2016	3-year average
Total PC&B	$2,054,937,000	$2,232,304,000	$2,414,728,159	.....
Total FTE	14,555	15,484	16,381	.....
PC&B per FTE	$141,184	$144,168	$147,408	.....
Percent change from previous year	2.3451%	2.1136%	2.2474%	2.2354%

The payroll adjustment is 2.2354 percent multiplied by 60 percent, or 1.3412 percent.

The statute specifies that the component of the inflation adjustment for non-payroll costs for FY 2018 is the average annual percent change that occurred in the Consumer Price Index (CPI) for urban consumers (Washington-Baltimore, DC-MD-VA-WV; Not Seasonally Adjusted; All Items; Annual Index) for the first 3 of the preceding 4 years of available data multiplied by 0.40, or 40 percent (see 21 U.S.C. 379j(c)(2)(C)).

Table 2 provides the summary data and the 3-year average percent change in the specified CPI for the Baltimore-Washington area. These data are published by the Bureau of Labor Statistics and can be found on their Web site at *https://data.bls.gov/cgi-bin/surveymost?cu* by checking the box marked ''Washington-Baltimore All Items, November 1996 = 100 − CUURA311SA0'' and then clicking on the ''Retrieve Data'' button.

TABLE 2—ANNUAL AND THREE-YEAR AVERAGE PERCENT CHANGE IN BALTIMORE-WASHINGTON AREA CPI

Fiscal year	2014	2015	2016	3-year average
Annual CPI	154.847	155.353	157.180	.....
Annual Percent Change	1.5390%	0.3268%	1.1760%	.....
3-Year Avg. Percent Change in CPI	.....	.....	.....	1.0139%

The non-pay adjustment is 1.0139 percent multiplied by 40 percent, or 0.4056 percent.

Next, the payroll adjustment (1.3412 percent or 0.013412) is added to the non-payroll adjustment (0.4056 percent or 0.004056), for a total of 1.7468 percent (or 0.017468). To complete the inflation adjustment, 1 (100 percent or 1.0) is added for a total base inflation adjustment of 1.017468 for FY 2018.

MDUFA IV provides for this inflation adjustment to be compounded for FY 2018 and each subsequent fiscal year (see 21 U.S.C. 379j(c)(2)(B)(ii)). The base inflation adjustment for FY 2018 (1.017468) is compounded by multiplying it by the compounded applicable inflation factors from FY 2016 and FY 2017 (1.020416 times 1.015774 or 1.036512). To complete the compounded inflation adjustment for FY 2018, the FY 2016 and FY 2017 compounded adjustment (1.036512) is multiplied by the FY 2018 base inflation adjustment (1.017468) to reach the applicable inflation adjustment of 1.054618 (rounded) for FY 2018. We then multiply the total revenue amount for FY 2018 ($183,280,756) by 1.054618, yielding an inflation adjusted total revenue amount of $193,291,000 (rounded to the nearest thousand dollars).

III. Fees for FY 2018

Under the FD&C Act, all submission fees and the periodic reporting fee are set as a percent of the standard (full) fee for a premarket application (see 21 U.S.C. 379j(a)(2)(A)).

A. Inflation Adjustment

MDUFA specifies that the base fees of $294,000 (premarket application) and $4,375 (establishment registration) are to be adjusted for inflation for FY 2018 using the same methodology as that for the total revenue inflation adjustment in section II (see 21 U.S.C. 379j(c)(2)(D)(i)). Multiplying these base fees by the compounded inflation adjustment of 1.054618 yields inflation adjusted base fees of $310,058 (premarket application) and $4,614 (establishment registration).

B. Further Adjustments

After the applicable inflation adjustment to fees is done, FDA may increase, if necessary to achieve the inflation adjusted total revenue amount, the base fee amounts on a uniform proportionate basis (see 21 U.S.C. 379j(c)(2)(D)(ii)). If necessary after this adjustment, FDA may further increase the base establishment registration fees to generate the inflation adjusted total revenue amount (see 21 U.S.C. 379j(c)(3)).

C. Calculation of Fee Rates

Table 3 provides the last 3 years of fee-paying submission counts and the 3-year average. These numbers are used to project the fee-paying submission counts that FDA will receive in FY 2018. Most of the fee-paying submission

counts are published in the MDUFA Financial Report to Congress each year.

TABLE 3—THREE-YEAR AVERAGE OF FEE-PAYING SUBMISSIONS

Application type	FY 2014 actual	FY 2015 actual	FY 2016 actual	3-year average
Full Fee Applications	25	42	41	36
Small Business	5	7	10	7
Panel-Track Supplement	12	22	18	17
Small Business	3	3	1	2
De Novo Classification Request [1]				40
Small Business [1]				10
180-Day Supplements	122	143	139	135
Small Business	24	15	18	19
Real-Time Supplements	192	204	202	199
Small Business	19	28	29	25
510(k)s	3,034	2,768	2,784	2,862
Small Business	1,037	1,037	1,046	1,040
30-Day Notice	934	920	1,029	961
Small Business	91	71	80	81
513(g) (21 U.S.C. 360c(g)) Request for Classification Information	69	75	69	71
Small Business	31	33	47	37
Annual Fee for Periodic Reporting [2]	668	554	576	599
Small Business [2]	74	73	74	74
Establishment Registration	24,626	25,363	26,222	25,404

[1] Three-year average for De Novo is based on estimate used during MDUFA IV negotiations.
[2] Includes collection of quarter four billing for FY 2016 during FY 2017.

The information in table 3 is necessary to estimate the amount of revenue that will be collected based on the fee amounts. Table 4 displays the FY 2018 base fees set in statute (column one) and the inflation adjusted base fees (per calculations in section III.A.) (column two). Using the inflation adjusted fees and the 3-year averages of fee paying submissions, the collections would total $192,850,757, which is $440,243 lower than the statutory revenue limit. Accordingly, the next step in the fee setting process is to increase the base fee amounts on a uniform proportionate basis to generate the inflation adjusted total revenue amounts (see 21 U.S.C. 379j(c)(2)(D)(ii) and table 4, column three). Applying these further adjusted fee rates to the 3-year average of fee paying submissions results in the establishment registration fee rate being increased by $10 to determine the new establishment registration fee rate of $4,624 (see 21 U.S.C. 379j(c)(3) and table 4, column three), leaving a total revenue shortfall of $12,278. The fees in the second column from the right are those we are establishing in FY 2018, which are the standard fees.

TABLE 4—FEES NEEDED TO ACHIEVE NEW FY 2018 REVENUE TARGET

Application type	FY 2018 statutory fees (base fees)	FY 2018 inflation adjusted statutory base fees	Adjusted FY 2018 fees to meet revenue target (standard fees)	FY 2018 revenue from adjusted fees
Full Fee Applications	$294,000	$310,058	$310,764	$11,187,504
Small Business	73,500	77,514	77,691	543,837
Panel-Track Supplement	220,500	232,543	233,073	3,962,241
Small Business	55,125	58,136	58,268	116,272
De Novo Classification Request	88,200	93,017	93,229	3,729,160
Small Business	22,050	23,254	23,307	233,070
180-Day Supplements	44,100	46,509	46,615	6,293,025
Small Business	11,025	11,627	11,654	221,426
Real-Time Supplements	20,580	21,704	21,753	4,328,847
Small Business	5,145	5,426	5,438	135,950
510(k)s	9,996	10,542	10,566	30,239,892
Small Business	2,499	2,635	2,642	2,747,680
30-Day Notice	4,704	4,961	4,972	4,778,092
Small Business	2,352	2,480	2,486	201,366
513(g) Request for Classification Information	3,969	4,186	4,195	297,845
Small Business	1,985	2,093	2,098	77,626
Annual Fee for Periodic Reporting	10,290	10,852	10,877	6,515,323
Small Business	2,573	2,713	2,719	201,206
Establishment Registration	4,375	4,614	4,624	117,468,096
Total				193,278,722

The standard fee (adjusted base amount) for a premarket application, including a BLA, and for a premarket report and a BLA efficacy supplement, is $310,764 for FY 2018. The fees set by reference to the standard fee for a premarket application are:

- For a panel-track supplement, 75 percent of the standard fee;
- For a de novo classification request, 30 percent of the standard fee;
- For a 180-day supplement, 15 percent of the standard fee;
- For a real-time supplement, 7 percent of the standard fee;
- For an annual fee for periodic reporting concerning a class III device, 3.5 percent of the standard fee;
- For a 510(k) premarket notification, 3.4 percent of the standard fee;
- For a 30-day notice, 1.6 percent of the standard fee; and
- For a 513(g) request for classification information, 1.35 percent of the standard fee.

For all submissions other than a 30-day notice, and a 513(g) request for classification information, the small business fee is 25 percent of the standard (full) fee for the submission (see 21 U.S.C. 379j(d)(2)(C) and (e)(2)(C)). For a 30-day notice, and a 513(g) request for classification information, the small business fee is 50 percent of the standard (full) fee for the submission (see 21 U.S.C. 379j(d)(2)(C)).

The annual fee for establishment registration, after adjustment, is set at $4,624 for FY 2018. There is no small business rate for the annual establishment registration fee; all establishments pay the same fee.

Table 5 summarizes the FY 2018 rates for all medical device fees.

TABLE 5—MEDICAL DEVICE FEES FOR FY 2018

Application fee type	Standard fee (as a percent of the standard fee for a premarket application)	FY 2018 standard fee	FY 2018 small business fee
Premarket application (a PMA submitted under section 515(c)(1) of the FD&C Act (21 U.S.C. 360e(c)(1)), a PDP submitted under section 515(f) of the FD&C Act (21 U.S.C. 360e(f), or a BLA submitted under section 351 of the Public Health Service Act (the PHS Act) (42 U.S.C. 262)).	Base fee specified in statute.	$310,764	$77,691
Premarket report (submitted under section 515(c)(2) of the FD&C Act)	100	310,764	77,691
Efficacy supplement (to an approved BLA under section 351 of the PHS Act)	100	310,764	77,691
Panel-track supplement	75	233,073	58,268
De novo classification request	30	93,229	23,307
180-day supplement	15	46,615	11,654
Real-time supplement	7	21,753	5,438
510(k) premarket notification submission	3.40	10,566	2,642
30-day notice	1.60	4,972	2,486
513(g) request for classification information	1.35	4,195	2,098
Annual Fee Type			
Annual fee for periodic reporting on a class III device	3.50	10,877	2,719
Annual establishment registration fee (to be paid by the establishment engaged in the manufacture, preparation, propagation, compounding, or processing of a device, as defined by 21 U.S.C. 379i(13)).	Base fee specified in statute.	4,624	4,624

IV. How To Qualify as a Small Business for Purposes of Medical Device Fees

If your business, including your affiliates, has gross receipts or sales of no more than $100 million for the most recent tax year, you may qualify for reduced small business fees. If your business, including your affiliates, has gross sales or receipts of no more than $30 million, you may also qualify for a waiver of the fee for your first premarket application (*i.e.* PMA, PDP, or BLA) or premarket report. If you want to pay the small business fee rate for a submission or you want to receive a waiver of the fee for your first premarket application or premarket report, you should submit the materials showing you qualify as a small business at least 60 days before you send your submission to FDA. FDA will review your information and determine whether you qualify as a small business eligible for the reduced fee and/or fee waiver. If you make a submission before FDA finds that you qualify as a small business, you must pay the standard (full) fee for that submission.

If your business qualified as a small business for FY 2017, your status as a small business will expire at the close of business on September 30, 2017. You must re-qualify for FY 2018 in order to pay small business fees during FY 2018.

If you are a domestic (U.S.) business, and wish to qualify as a small business for FY 2018, you must submit the following to FDA:

1. A completed FY 2018 MDUFA Small Business Qualification Certification (Form FDA 3602). This form is provided in FDA's guidance document, ''FY 2018 Medical Device User Fee Small Business Qualification and Certification,'' available on FDA's Web site at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.*

2. A certified copy of your Federal (U.S.) Income Tax Return for the most recent tax year. The most recent tax year will be 2017, except:

If you submit your FY 2018 MDUFA Small Business Qualification before April 15, 2018, and you have not yet filed your return for 2017, you may use tax year 2016.

If you submit your FY 2018 MDUFA Small Business Qualification on or after April 15, 2018, and have not yet filed your 2017 return because you obtained an extension, you may submit your most recent return filed prior to the extension.

3. For each of your affiliates, either:

- If the affiliate is a domestic (U.S.) business, a certified copy of the affiliate's Federal (U.S.) Income Tax Return for the most recent tax year, or
- If the affiliate is a foreign business and cannot submit a Federal (U.S.) Income Tax Return, a National Taxing Authority Certification completed by, and bearing the official seal of, the National Taxing Authority of the country in which the firm is headquartered. The National Taxing Authority is the foreign equivalent of the U.S. Internal Revenue Service. This certification must show the amount of

gross receipts or sales for the most recent tax year, in both U.S. dollars and the local currency of the country, the exchange rate used in converting the local currency to U.S. dollars, and the dates of the gross receipts or sales collected. The applicant must also submit a statement signed by the head of the applicant's firm or by its chief financial officer that the applicant has submitted certifications for all of its affiliates, identifying the name of each affiliate, or that the applicant has no affiliates.

If you are a foreign business, and wish to qualify as a small business for FY 2018, you must submit the following:

1. A completed FY 2018 MDUFA Foreign Small Business Qualification Certification (Form FDA 3602A). This form is provided in FDA's guidance document, ''FY 2018 Medical Device User Fee Small Business Qualification and Certification,'' available on FDA's Web site at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.*

2. A National Taxing Authority Certification, completed by, and bearing the official seal of, the National Taxing Authority of the country in which the firm is headquartered. This certification must show the amount of gross receipts or sales for the most recent tax year, in both U.S. dollars and the local currency of the country, the exchange rate used in converting the local currency to U.S. dollars, and the dates of the gross receipts or sales collected.

3. For each of your affiliates, either:

- If the affiliate is a domestic (U.S.) business, a certified copy of the affiliate's Federal (U.S.) Income Tax Return for the most recent tax year (2017 or later), or
- If the affiliate is a foreign business and cannot submit a Federal (U.S.) Income Tax Return, a National Taxing Authority Certification completed by, and bearing the official seal of, the National Taxing Authority of the country in which the firm is headquartered. The National Taxing Authority is the foreign equivalent of the U.S. Internal Revenue Service. This certification must show the amount of gross receipts or sales for the most recent tax year, in both U.S. dollars and the local currency of the country, the exchange rate used in converting the local currency to U.S. dollars, and the dates for the gross receipts or sales collected. The applicant must also submit a statement signed by the head of the applicant's firm or by its chief financial officer that the applicant has submitted certifications for all of its affiliates, identifying the name of each affiliate, or that the applicant has no affiliates.

V. Procedures for Paying Application Fees

If your application or submission is subject to a fee and your payment is received by FDA between October 1, 2017, and September 30, 2018, you must pay the fee in effect for FY 2018. The later of the date that the application is received in the reviewing center's document room or the date the U.S. Treasury recognizes the payment determines whether the fee rates for FY 2017 or FY 2018 apply. FDA must receive the correct fee at the time that an application is submitted, or the application will not be accepted for filing or review.

FDA requests that you follow the steps below before submitting a medical device application subject to a fee to ensure that FDA links the fee with the correct application. (*Note:* Do not send your user fee check to FDA with the application.)

A. Secure a Payment Identification Number (PIN) and Medical Device User Fee Cover Sheet From FDA Before Submitting Either the Application or the Payment

Log into the User Fee System at: *https://userfees.fda.gov/OA_HTML/mdufmaCAcdLogin.jsp.* Complete the Medical Device User Fee cover sheet. Be sure you choose the correct application submission date range. (Two choices will be offered until October 1, 2017. One choice is for applications and fees that will be received on or before September 30, 2017, which are subject to FY 2017 fee rates. A second choice is for applications and fees received on or after October 1, 2017, which are subject to FY 2018 fee rates.) After completing data entry, print a copy of the Medical Device User Fee cover sheet and note the unique PIN located in the upper right-hand corner of the printed cover sheet.

B. Electronically Transmit a Copy of the Printed Cover Sheet With the PIN

When you are satisfied that the data on the cover sheet is accurate, electronically transmit that data to FDA according to instructions on the screen. Applicants are required to set up a user account and password to assure data security in the creation and electronic submission of cover sheets.

C. Submit Payment for the Completed Medical Device User Fee Cover Sheet

1. The preferred payment method is online using electronic check (Automated Clearing House (ACH) also known as eCheck) or credit card (Discover, VISA, MasterCard, American Express). FDA has partnered with the U.S. Department of the Treasury to utilize *Pay.gov*, a web-based payment system, for online electronic payment. You may make a payment via electronic check or credit card after submitting your cover sheet. Secure electronic payments can be submitted using the User Fees Payment Portal at *https://userfees.fda.gov/pay. Note:* Only full payments are accepted. No partial payments can be made online. Once you search for your invoice, select ''Pay Now'' to be redirected to *Pay.gov*. Electronic payment options are based on the balance due. Payment by credit card is available for balances that are less than $25,000. If the balance exceeds this amount, only the ACH option is available. Payments must be made using U.S bank accounts as well as U.S. credit cards.

2. If paying with a paper check:

- All paper checks must be in U.S. currency from a U.S. bank and made payable to the Food and Drug Administration. If needed, FDA's tax identification number is 53–0196965.
- Please write your application's unique PIN (from the upper right-hand corner of your completed Medical Device User Fee cover sheet) on your check.
- Mail the paper check and a copy of the completed cover sheet to: Food and Drug Administration, P.O. Box 979033, St. Louis, MO 63197–9000. (Please note that this address is for payments of application and annual report fees only and is not to be used for payment of annual establishment registration fees.)

If you prefer to send a check by a courier, the courier may deliver the check to: U.S. Bank, Attn: Government Lockbox 979033, 1005 Convention Plaza, St. Louis, MO 63101. (*Note:* This U.S. Bank address is for courier delivery only. If you have any questions concerning courier delivery contact U.S. Bank at 314–418–4013. This telephone number is only for questions about courier delivery).

3. If paying with a wire transfer:

- Please include your application's unique PIN (from the upper right-hand corner of your completed Medical Device User Fee cover sheet) in your wire transfer. Without the PIN, your payment may not be applied to your cover sheet and review of your application may be delayed.
- The originating financial institution may charge a wire transfer fee. If the financial institution charges a wire transfer fee it is required that you add that amount to the payment to ensure that the invoice is paid in full.

Use the following account information when sending a wire transfer: U.S. Department of Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Acct. No. 75060099, Routing

No. 021030004, SWIFT: FRNYUS33, Beneficiary: FDA, 8455 Colesville Road, 14th Floor, Silver Spring, MD 20993–0002.

FDA records the official application receipt date as the later of the following: (1) The date the application was received by an FDA Document Control Center or (2) the date the U.S. Treasury recognizes the payment. It is helpful if the fee arrives at the bank at least 1 day before the application arrives at FDA.

D. Submit Your Application to FDA With a Copy of the Completed Medical Device User Fee Cover Sheet

Please submit your application and a copy of the completed Medical Device User Fee cover sheet to the address located at *https://www.fda.gov/cdrh submissionaddress.*

VI. Procedures for Paying the Annual Fee for Periodic Reporting

You will be invoiced at the end of the quarter in which your PMA Periodic Report is due. Invoices will be sent based on the details included on your PMA file. You are responsible for ensuring FDA has your current billing information, and you may update your contact information for the PMA by submitting an amendment to the pending PMA or a supplement to the approved PMA.

1. The preferred payment method is online using electronic check (ACH also known as eCheck) or credit card (Discover, VISA, MasterCard, American Express). Secure electronic payments can be submitted using the User Fees Payment Portal at *https://userfees.fda.gov/pay* (*Note:* Only full payments are accepted. No partial payments can be made online). Once you search for your invoice, select ''Pay Now'' to be redirected to *Pay.gov*. Note that electronic payment options are based on the balance due. Payment by credit card is available for balances that are less than $25,000. If the balance exceeds this amount, only the ACH option is available. Payments must be made using U.S. bank accounts as well as U.S. credit cards.

2. If paying with a paper check:

The check must be in U.S. currency from a U.S. bank and made payable to the Food and Drug Administration. If needed, FDA's tax identification number is 53–0196965.

- Please write your invoice number on the check.
- Mail the paper check and a copy of the invoice to: Food and Drug Administration, P.O. Box 979033, St. Louis, MO 63197–9000.

(Please note that this address is for payments of application and annual report fees only and is not to be used for payment of annual establishment registration fees.)

To send a check by a courier, the courier must deliver the check and printed copy of the cover sheet to: U.S. Bank, Attn: Government Lockbox 979033, 1005 Convention Plaza, St. Louis, MO 63101. (*Note:* This U.S. Bank address is for courier delivery only. If you have any questions concerning courier delivery contact U.S. Bank at 314–418–4013. This telephone number is only for questions about courier delivery).

3. When paying by a wire transfer it is required that the invoice number is included, without the invoice number the payment may not be applied. If the payment amount is not applied the invoice amount would be referred to collections. The originating financial institution may charge a wire transfer fee. If the financial institution charges a wire transfer fee it is required that you add that amount to the payment to ensure that the invoice is paid in full.

Use the following account information when sending a wire transfer: U.S. Department of the Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Acct. No. 75060099, Routing No. 021030004, SWIFT: FRNYUS33, Beneficiary: FDA, 8455 Colesville Rd., 14th Floor, Silver Spring, MD 20993–0002.

VII. Procedures for Paying Annual Establishment Registration Fees

To pay the annual establishment registration fee, firms must access the Device Facility User Fee (DFUF) Web site at *https://userfees.fda.gov/OA_HTML/furls.jsp.* (FDA has verified the Web site address, but FDA is not responsible for any subsequent changes to the Web site address after this document publishes in the **Federal Register**.) Create a DFUF order and you will be issued a PIN when you place your order. After payment has been processed, you will be issued a payment confirmation number (PCN). You will not be able to register your establishment if you do not have a PIN and a PCN. An establishment required to pay an annual establishment registration fee is not legally registered in FY 2018 until it has completed the steps below to register and pay any applicable fee (see 21 U.S.C. 379j(g)(2)).

Companies that do not manufacture any product other than a licensed biologic are required to register in the Blood Establishment Registration (BER) system. FDA's Center for Biologics Evaluation and Research (CBER) will send establishment registration fee invoices annually to these companies.

A. Submit a DFUF Order With a PIN From FDA Before Registering or Submitting Payment

To submit a DFUF Order, you must create or have previously created a user account and password for the user fee Web site listed previously in this section. After creating a user name and password, log into the Establishment Registration User Fee FY 2018 store. Complete the DFUF order by entering the number of establishments you are registering that require payment. When you are satisfied that the information in the order is accurate, electronically transmit that data to FDA according to instructions on the screen. Print a copy of the final DFUF order and note the unique PIN located in the upper right-hand corner of the printed order.

B. Pay for Your DFUF Order

Unless paying by credit card, all payments must be in U.S. currency and drawn on a U.S. bank.

1. *If paying by credit card or electronic check (ACH or eCheck):* The DFUF order will include payment information, including details on how you can pay online using a credit card or electronic check. Follow the instructions provided to make an electronic payment.

2. *If paying with a paper check:* The check must be in U.S. currency and drawn on a U.S. bank, and mailed to: Food and Drug Administration, P.O. Box 979108, St. Louis, MO 63197–9000. (*Note:* This address is different from the address for payments of application and annual report fees and is to be used only for payment of annual establishment registration fees.)

If a check is sent by a courier that requests a street address, the courier can deliver the check to: U.S. Bank, Attn: Government Lockbox 979108, 1005 Convention Plaza, St. Louis, MO 63101. (*Note:* This U.S. Bank address is for courier delivery only. If you have any questions concerning courier delivery contact U.S. Bank at 314–418–4013. This telephone number is only for questions about courier delivery).

Please make sure that both of the following are written on your check: (1) The FDA post office box number (P.O. Box 979108) and (2) the PIN that is printed on your order. Include a copy of your printed order when you mail your check.

3. If paying with a wire transfer: Wire transfers may also be used to pay annual establishment registration fees. To send a wire transfer, please read and comply with the following information:

Include your order's unique PIN (in the upper right-hand corner of your

completed DFUF order) in your wire transfer. Without the PIN, your payment may not be applied to your facility and your registration may be delayed.

The originating financial institution may charge a wire transfer fee. If the financial institution charges a wire transfer fee it is required that you add that amount to the payment to ensure that the invoice is paid in full. Use the following account information when sending a wire transfer: U.S. Dept. of Treasury, TREAS NYC, 33 Liberty St., New York, NY 10045, Acct. No. 75060099, Routing No. 021030004, SWIFT: FRNYUS33, Beneficiary: FDA, 8455 Colesville Rd., 14th Floor, Silver Spring, MD 20993–0002. If needed, FDA's tax identification number is 53–0196965.

C. Complete the Information Online To Update Your Establishment's Annual Registration for FY 2018, or To Register a New Establishment for FY 2018

Go to the Center for Devices and Radiological Health's Web site at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/HowtoMarketYourDevice/RegistrationandListing/default.htm* and click the ''Access Electronic Registration'' link on the left side of the page. This opens up a new page with important information about the FDA Unified Registration and Listing System (FURLS). After reading this information, click on the ''Access Electronic Registration'' link in the middle of the page. This link takes you to an FDA Industry Systems page with tutorials that demonstrate how to create a new FURLS user account if your establishment did not create an account in FY 2017. Manufacturers of licensed biologics should register in the BER system at *https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/EstablishmentRegistration/BloodEstablishmentRegistration/default.htm.*

Enter your existing account ID and password to log into FURLS. From the FURLS/FDA Industry Systems menu, click on the Device Registration and Listing Module (DRLM) of FURLS button. New establishments will need to register and existing establishments will update their annual registration using choices on the DRLM menu. When you choose to register or update your annual registration, the system will prompt you through the entry of information about your establishment and your devices. If you have any problems with this process, email: *reglist@cdrh.fda.gov* or call 301–796–7400 for assistance. (*Note:* This email address and this telephone number are for assistance with establishment registration only; they are not to be used for questions related to other aspects of medical device user fees.) Problems with the BER system should be directed to *https://www.accessdata.fda.gov/scripts/email/cber/bldregcontact.cfm* or call 240–402–8360.

D. Enter Your DFUF Order PIN and PCN

After completing your annual or initial registration and device listing, you will be prompted to enter your DFUF order PIN and PCN, when applicable. This process does not apply to establishments engaged only in the manufacture, preparation, propagation, compounding, or processing of licensed biologic devices. CBER will send invoices for payment of the establishment registration fee to such establishments.

Dated: August 24, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–18378 Filed 8–28–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–N–4119]

Food Safety Modernization Act Third-Party Certification Program User Fee Rate for Fiscal Year 2018

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the fiscal year (FY) 2018 annual fee rate for recognized accreditation bodies and accredited certification bodies, and the fee rate for accreditation bodies applying to be recognized in the third-party certification program that is authorized by the Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the FDA Food Safety Modernization Act (FSMA).

FOR FURTHER INFORMATION CONTACT: Donald Prater, Office of Foods and Veterinary Medicine, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 3234, Silver Spring, MD 20993, 301–348–3007.

DATES: This fee is effective October 1, 2017.

SUPPLEMENTARY INFORMATION:

I. Background

Section 307 of FSMA, Accreditation of Third-Party Auditors, amended the FD&C Act to create a new provision, section 808, under the same name. Section 808 of the FD&C Act (21 U.S.C. 384d) directs FDA to establish a program for accreditation of third-party certification bodies [1] conducting food safety audits and issuing food and facility certifications to eligible foreign entities (including registered foreign food facilities) that meet our applicable requirements. Under this provision, we established a system for FDA to recognize accreditation bodies to accredit certification bodies, except for limited circumstances in which we may directly accredit certification bodies to participate in the third-party certification program.

Section 808(c)(8) of the FD&C Act directs FDA to establish a reimbursement (user fee) program by which we assess fees and require reimbursement for the work FDA performs to establish and administer the third-party certification program under section 808 of the FD&C Act. The user fee program for the third-party certification program was established by a final rule entitled ''Amendments to Accreditation of Third-Party Certification Bodies to Conduct Food Safety Audits and To Issue Certifications to Provide for the User Fee Program'' (81 FR 90186, December 14, 2016).

The FSMA FY 2018 third-party certification program user fee rate announced in this notice is effective on October 1, 2017, and will remain in effect through September 30, 2018.

II. Estimating the Average Cost of a Supported Direct FDA Work Hour for FY 2018

In each year, the costs of salary (or personnel compensation) and benefits for FDA employees account for between 50 and 60 percent of the funds available to, and used by, FDA. Almost all of the remaining funds (operating funds) available to FDA are used to support FDA employees for paying rent, travel, utility, information technology, and other operating costs.

A. Estimating the Full Cost per Direct Work Hour in FY 2018

Full-time Equivalent (FTE) reflects the total number of regular straight-time hours—not including overtime or holiday hours—worked by employees,

[1] For the reasons explained in the third-party certification final rule (80 FR 74570 at 74578–74579, November 27, 2015), and for consistency with the implementing regulations for the third-party certification program in 21 CFR parts 1, 11, and 16, this notice uses the term ''third-party certification body'' rather than the term ''third-party auditor'' used in section 808(a)(3) of the FD&C Act.

divided by the number of compensable hours applicable to each fiscal year. Annual leave, sick leave, compensatory time off, and other approved leave categories are considered ''hours worked'' for purposes of defining FTE employment.

In general, the starting point for estimating the full cost per direct work hour is to estimate the cost of an FTE or paid staff year. Calculating an Agency-wide total cost per FTE requires three primary cost elements: Payroll, non-payroll, and rent.

We have used an average of past year cost elements to predict the FY 2018 cost. The FY 2018 FDA-wide average cost for payroll (salaries and benefits) is $154,638; non-payroll—including equipment, supplies, IT, general and administrative overhead—is $89,224; and rent, including cost allocation analysis and adjustments for other rent and rent-related costs, is $23,922 per paid staff year, excluding travel costs.

Summing the average cost of an FTE for payroll, non-payroll, and rent, brings the FY 2018 average fully supported cost to $267,783 per FTE, excluding travel costs. FDA will use this base unit fee in determining the hourly fee rate for third party certification user fees for FY 2018 prior to including travel costs as applicable for the activity.

To calculate an hourly rate, FDA must divide the FY 2018 average fully supported cost of $267,783 per FTE by the average number of supported direct FDA work hours in FY 2016—the last FY for which data are available. See table 1.

TABLE 1—SUPPORTED DIRECT FDA WORK HOURS IN A PAID STAFF YEAR IN FY 2016

Total Number of Hours in a Paid Staff Year	2,080
Less:	
10 paid holidays	−80
20 days of annual leave	−160
10 days of sick leave	−80
12.5 days of training	−100
26.5 days of general administration	−184
26.5 days of travel	−212
2 hours of meetings per week	−104
Net Supported Direct FDA Work Hours Available for Assignments	=1,160

Dividing the average fully supported FTE cost in FY 2018 ($267,783) by the total number of supported direct work hours available for assignment in FY 2016 (1,160) results in an average fully supported cost of $231 (rounded to the nearest dollar), excluding travel costs, per supported direct work hour in FY 2018.

B. Adjusting FY 2016 Travel Costs for Inflation To Estimate FY 2018 Travel Costs

To adjust the hourly rate for FY 2018, FDA must estimate the cost of inflation in each year for FY 2017 and FY 2018. FDA uses the method prescribed for estimating inflationary costs under the Prescription Drug User Fee Act (PDUFA) provisions of the FD&C Act (section 736(c)(1) (21 U.S.C. 379h(c)(1)), the statutory method for inflation adjustment in the FD&C Act that FDA has used consistently. FDA previously determined the FY 2017 inflation rate to be 1.5468 percent; this rate was published in the FY2017 PDUFA user fee rates notice in the **Federal Register**. Utilizing the method set forth in section 736(c)(1) of the FD&C Act, FDA has calculated an inflation rate of 1.5468 percent for FY 2017 and 1.6868 percent for FY 2018 and FDA intends to use this inflation rate to make inflation adjustments for FY 2018 for several of its user fee programs; the derivation of this rate will be published in the **Federal Register** in the FY 2018 notice for the PDUFA user fee rates. The compounded inflation rate for FYs 2017 and 2018, therefore, is 1.032597 (or 3.2597 percent) (1 plus 1.5468 percent times 1 plus 1.6868 percent).

The average fully supported cost per supported direct FDA work hour, excluding travel costs, of $231 already takes into account inflation as the calculation above is based on FY 2018 predicted costs. FDA will use this base unit fee in determining the hourly fee rate for third-party certification program fees for FY 2018 prior to including travel costs as applicable for the activity. For the purpose of estimating the fee, we are using the travel cost rate for foreign travel because we anticipate that the vast majority of onsite assessments made by FDA under this program will require foreign travel. In FY 2016, the Office of Regulatory Affairs spent a total of $2,166,592 on 344.31 foreign inspection trips related to FDA's Center for Food Safety and Applied Nutrition and Center for Veterinary Medicine field activities programs, which averaged a total of $6,293 per foreign inspection trip. These trips averaged 3 weeks (or 120 paid hours) per trip. Dividing $6,293 per trip by 120 hours per trip results in a total and an additional cost of $52 (rounded to the nearest dollar) per paid hour spent for foreign inspection travel costs in FY 2016. To adjust $52 for inflationary increases in FY 2017 and FY 2018, FDA must multiply it by the same inflation factor mentioned previously in this document (1.032597 or 3.2597 percent), which results in an estimated cost of $54 (rounded to the nearest dollar) per paid hour in addition to $231 for a total of $285 per paid hour ($231 plus $54) for each direct hour of work requiring foreign inspection travel. FDA will use these rates in charging fees in FY 2018 when travel is required for the third-party certification program.

TABLE 2—FSMA FEE SCHEDULE FOR FY 2018

Fee category	Fee rates for FY 2018
Hourly rate without travel	$231
Hourly rate if travel is required	285

III. Fees for Accreditation Bodies and Certification Bodies in the Third-Party Certification Program Under Section 808(c)(8) of the FD&C Act

The third-party certification program assesses application fees and annual fees. In FY18, the only fees that will be collected by FDA under section 808(c)(8) of the FD&C Act are the initial application fee for accreditation bodies seeking recognition, the annual fee for recognized accreditation bodies, and the annual fee for certification bodies accredited by a recognized accreditation body. Table 3 provides an overview of the fees for FY 2018.

TABLE 3—FSMA THIRD-PARTY CERTIFICATION PROGRAM USER FEE SCHEDULE FOR FY 2018

Fee category	Fee rates for FY 2018
Initial Application Fee for Accreditation Body Seeking Recognition	$37,935
Annual Fee for Recognized Accreditation Body	1,752
Annual Fee for Accredited Certification Body	2,190

A. Application Fee for Accreditation Bodies Applying for Recognition in the Third-Party Certification Program Under Section 808(c)(8) of the FD&C Act

Section 1.705(a)(1) (21 CFR 1.705(a)(1)) establishes an application fee for accreditation bodies applying for initial recognition that represents the estimated average cost of the work FDA performs in reviewing and evaluating initial applications for recognition of accreditation bodies.

The fee is based on the fully supported FTE hourly rates and estimates of the number of hours it

would take FDA to perform relevant activities. These estimates represent FDA's current thinking, and as the program evolves, FDA will reconsider the estimated hours. We estimate that it would take, on average, 60 person-hours to review an accreditation body's submitted application, 48 person-hours for an onsite performance evaluation of the applicant (including travel and other steps necessary for a fully supported FTE to complete an onsite assessment), and 45 person-hours to prepare a written report documenting the onsite assessment.

FDA employees are likely to review applications and prepare reports from their worksites, so we use the fully supported FTE hourly rate excluding travel, $231/hour, to calculate the portion of the user fee attributable to those activities: $231/hour × (60 hours + 45 hours) = $24,255. FDA employees will likely travel to foreign countries for the onsite performance evaluations because most accreditation bodies are located in foreign countries. For this portion of the fee we use the fully supported FTE hourly rate for work requiring travel, $285/hour, to calculate the portion of the user fee attributable to those activities: $285/hour × 48 hours (*i.e.,* 2 fully supported FTEs × (2 travel days + 1 day onsite)) = $13,680. The estimated average cost of the work FDA performs in total for reviewing an initial application for recognition for an accreditation body based on these figures would be $24,255 + $13,680 = $37,935. Therefore the application fee for accreditation bodies applying for recognition in FY 2018 will be $37,935.

B. Annual Fee for Accreditation Bodies Participating in the Third-Party Certification Program Under Section 808(c)(8) of the FD&C Act

To calculate the annual fee for each recognized accreditation body, FDA takes the estimated average cost of work FDA performs to monitor performance of a single recognized accreditation body and annualizes that over the average term of recognition. At this time we assume an average term of recognition of 5 years. We also assume that FDA will monitor 10 percent of recognized accreditation bodies onsite. As the program proceeds, we will adjust the term of recognition as appropriate. We estimate that for one performance evaluation of a recognized accreditation body, it would take, on average (taking into account that not all recognized accreditation bodies would be monitored onsite), 24 hours for FDA to conduct records review, 8 hours to prepare a report detailing the records review and onsite performance evaluation, and 4.8 hours of onsite performance evaluation (*i.e.,* 10 percent × 2 fully supported FTEs × (2 travel days + 2 day onsite)). Using the fully supported FTE hourly rates in table 2, the estimated average cost of the work FDA performs to monitor performance of a single recognized accreditation body would be $7,392 ($231/hour × (24 hours + 8 hours)) plus $1,368 ($285/hour × 4.8 hours), which is $8,760. Annualizing this amount over 5 years would lead to an annual fee for recognized accreditation bodies of $1,752 for FY 2018.

C. Annual Fee for Certification Bodies Accredited by a Recognized Accreditation Body in the Third-Party Certification Program Under Section 808(c)(8) of the FD&C Act

To calculate the annual fee for a certification body accredited by a recognized accreditation body, FDA takes the estimated average cost of work FDA performs to monitor performance of a single certification body accredited by a recognized accreditation body and annualizes that over the average term of accreditation. At this time we assume an average term of accreditation of 4 years. This fee is based on the fully supported FTE hourly rates and estimates of the number of hours it would take FDA to perform relevant activities. We estimate that FDA would conduct, on average, the same activities, for the same amount of time to monitor certification bodies accredited by a recognized accreditation body as we would to monitor an accreditation body recognized by FDA. Using the fully supported FTE hourly rates in table 2, the estimated average cost of the work FDA performs to monitor performance of a single accredited certification body would be $7,392 ($231/hour × (24 hours + 8 hours)) plus $1,368 ($285/hour × 4.8 hours), which is $8,760. Annualizing this amount over 4 years would lead to an annual fee for accredited certification bodies of $2,190 for FY 2018.

IV. Estimated Fees for Accreditation Bodies and Certification Bodies in Other Fee Categories for FY 2018

Section 1.705(a) also establishes application fees for recognized accreditation bodies submitting renewal applications, certification bodies applying for direct accreditation, and certification bodies applying for renewal of direct accreditation. Section 1.705(b) establishes annual fees for recognized accreditation bodies, certification bodies directly accredited by FDA, and certification bodies accredited by recognized accreditation bodies.

Although we will not be collecting all of these other fees in FY 2018, for transparency and planning purposes, we have provided an estimate of what these fees would be for FY 2018 based on the fully supported FTE hourly rates for FY 2018 and estimates of the number of hours it would take FDA to perform relevant activities as outlined in the Final Regulatory Impact Analysis for the Third-Party Certification Regulation. Table 4 provides an overview of the estimated fees for other fee categories.

TABLE 4—ESTIMATED FEE RATES FOR OTHER FEE CATEGORIES UNDER THE FSMA THIRD-PARTY CERTIFICATION PROGRAM

Fee category	Estimated fee rates for FY 2018
Renewal application fee for recognized accreditation body	$21,049
Initial application fee for certification body seeking direct-accreditation from FDA	37,935
Renewal application fee for directly-accredited certification body	28,755
Annual fee for certification body directly-accredited by FDA	21,072

V. How must the fee be paid?

Accreditation bodies seeking initial recognition must submit the application fee with the application.

For recognized accreditation bodies and accredited certification bodies, an invoice will be sent annually. Payment must be made within 30 days of the invoice date. Detailed payment information will be included with the invoice when it is issued.

VI. What are the consequences of not paying this fee?

The consequences of not paying these fees are outlined in § 1.725. If FDA does not receive an application fee with an application for recognition, the application will be considered incomplete and FDA will not review the application. If a recognized accreditation body fails to submit its annual user fee within 30 days of the due date, we will suspend its recognition. If the recognized accreditation body fails to submit its annual user fee within 90 days of the due date, we will revoke its recognition. If an accredited certification body fails to pay its annual fee within 30 days of the due date, we will suspend its accreditation. If the accredited certification body fails to pay its annual

fee within 90 days of the due date, we will withdraw its accreditation.

Dated: August 23, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–18222 Filed 8–28–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health: Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Advisory Committee to the Director, National Institutes of Health.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Advisory Committee to the Director, National Institutes of Health.

Date: September 14, 2017.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 1, One Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Gretchen Wood, Staff Assistant, National Institutes of Health, Office of the Director, One Center Drive, Building 1, Room 126, Bethesda, MD 20892, 301–496–4272, *Woodgs@od.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research Training Award; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936, NIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, National Institutes of Health, HHS)

Dated: August 24, 2017.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–18339 Filed 8–28–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Cancer Institute Council of Research Advocates.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will be videocast and can be accessed from the NIH Videocasting and Podcasting Web site (*http://videocast.nih.gov*).

Name of Committee: National Cancer Institute Council of Research Advocates.

Date: September 25, 2017.

Time: 9:00 a.m. to 4:30 p.m.

Agenda: Welcome and Chairman's Remarks, NCI Updates and Legislative Update.

Place: National Institutes of Health, 40 Convent Drive, Building 40, Conference Rooms 1201/1203, Bethesda, MD 20892.

Contact Person: Amy Williams, NCI Office of Advocacy Relations National Cancer Institute, NIH, 31 Center Drive, Building 31, Room 10A28, Bethesda, MD 20892, 240–781–3406 *williaam@mail.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit. Information is also available on the Institute's/Center's home page: NCRA: *http://deainfo.nci.nih.gov/advisory/ncra/ncra.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: August 24, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–18343 Filed 8–28–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0690]

Cooperative Research and Development Agreement: Environmentally Friendly Buoy Mooring System

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent; request for comments.

SUMMARY: The Coast Guard is announcing its intent to enter into a Cooperative Research and Development Agreement (CRADA) with American Underwater Contractors, Inc. (AUC) to develop, demonstrate, evaluate and document the use of environmentally friendly buoy mooring systems (line and anchor) attached to a navigational buoy to determine the feasibility and practicality of the Coast Guard using both helix (screw) anchors and elastic mooring lines in environmentally sensitive areas. While the Coast Guard is currently considering partnering with AUC, we are soliciting public comment on the possible nature of and participation of other parties in the proposed CRADA. In addition, the Coast Guard also invites other potential non-Federal participants, who have the interest and capability to bring similar contributions to this type of research, to consider submitting proposals for consideration in similar CRADAs.

DATES: Comments must be submitted to the online docket via *http://www.regulations.gov,* or reach the Docket Management Facility, on or before September 27, 2017.

Synopses of proposals regarding future CRADAs must reach the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**) on or before September 27, 2017.

ADDRESSES: Submit comments online at *http://www.regulations.gov* following Web site instructions.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice or wish to submit proposals for future CRADAs, contact Ms. Danielle Elam, Project Official, Environment and Waterways Branch, U.S. Coast Guard Research and Development Center, 1 Chelsea Street, New London, CT 06320, telephone 860–271–2693, email *Danielle.L.Elam@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We request public comments on this notice. Although we do not plan to respond to comments in the **Federal Register**, we will respond directly to commenters and may modify our proposal in light of comments.

Comments should be marked with docket number USCG–2017–0690 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008). We also accept anonymous comments.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**). Documents mentioned in this notice, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

Do not submit detailed proposals for future CRADAs to the Docket Management Facility. Instead, submit them directly to the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**).

Discussion

CRADAs are authorized under 15 U.S.C. 3710(a).[1] A CRADA promotes the transfer of technology to the private sector for commercial use, as well as specified research or development efforts that are consistent with the mission of the Federal parties to the CRADA. The Federal party or parties agree with one or more non-Federal parties to share research resources, but the Federal party does not contribute funding.

CRADAs are not procurement contracts. Care is taken to ensure that CRADAs are not used to circumvent the contracting process. CRADAs have a specific purpose and should not be confused with procurement contracts, grants, and other type of agreements.

Under the proposed CRADA, the R&D Center will collaborate with one non-Federal participant. Together, the R&D Center and the non-Federal participant will collect information/data for performance, reliability, maintenance, and environmental impact of the embedment anchor and elastic mooring line. The embedment anchor and elastic mooring line will be placed in Mullet Key Channel for a period of two years, where it will be visually inspected in-situ quarterly.

Once the two years are complete, the embedment anchor and elastic mooring line will be removed from the water, inspected and then go through destructive testing.

We anticipate that the Coast Guard's contributions under the proposed CRADA will include the following:

(1) Provide appropriate staff with pertinent expertise to take the lead in accomplishing the required tasks;

(2) Draft the demonstration plan;

(3) Provide all support resources, including travel for Coast Guard staff that supports this CRADA;

(4) Obtain, transport and provide divers for the installation of the mooring system;

(5) Provide a Coast Guard boat platform and qualified Coast Guard operators for the installation and retrieval of the buoys;

(6) Provide all the resources required (except the mooring line, helical anchor and required components provided by the non-Federal participant) for the conduct of the demonstration;

(7) Collect and analyze data in accordance with the CRADA demonstration plan; and

(8) Work with non-Federal participant to develop a Final Report, which will document the methodologies, findings, conclusions, and recommendations of this CRADA work.

We anticipate that the non-Federal participants' contributions under the proposed CRADA will include the following:

(1) Provide the technical data package for all equipments, including dimensions, weight, power requirements, and other technical considerations for additional components to be utilized under this CRADA;

(2) Provide for shipment, and delivery of the mooring system required under this CRADA;

(3) Provide/pay for travel and other associated personnel costs and other required expenses.

The Coast Guard reserves the right to select for CRADA participants all, some, or no proposals submitted for this CRADA. The Coast Guard will provide no funding for reimbursement of proposal development costs. Proposals and any other material submitted in response to this notice will not be returned. Proposals submitted are expected to be unclassified and have not more than five single-sided (excluding cover page, DD 1494, JF–12, etc.). The Coast Guard will select proposals at its sole discretion on the basis of:

(1) How well they communicate an understanding, of and ability to meet, the proposed CRADA's goal; and

(2) How well they address the following criteria:

(a) Technical capability to support the non-Federal party contributions described, and

(b) Resources available for supporting the non-Federal party contributions described.

Currently, the Coast Guard is considering AUC for participation in this CRADA. This consideration is based on the fact that AUC has demonstrated its technical ability as a U.S. Distributor of embedment anchors and elastic mooring lines. However, we do not wish to exclude other viable participants from this or future similar CRADAs.

This is a technology assessment effort. The goal of the Coast Guard for this CRADA is to better understand the advantages, disadvantages, required technology enhancements, performance, costs, and other issues associated with environmentally friendly mooring systems. Special consideration will be given to small business firms/consortia, and preference will be given to business units located in the U.S. This notice is issued under the authority of 5 U.S.C. 552(a).

Dated: 7 August 2017.

Bert Macesker,

Executive Director, Acting Commanding Officer, U.S. Coast Guard Research and Development Center.

[FR Doc. 2017–18294 Filed 8–28–17; 8:45 am]

BILLING CODE 9110–04–P

[1] The statute confers this authority on the head of each Federal agency. The Secretary of DHS's authority is delegated to the Coast Guard and other DHS organizational elements by DHS Delegation No. 0160.1, para. II.B.34.

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0041]

Agency Information Collection Activities: Bonded Warehouse Regulations

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted no later than September 28, 2017 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (82 FR 28510) on June 22, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Bonded Warehouse Regulations.

OMB Number: 1651–0041.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Abstract: Owners or lessees desiring to establish a bonded warehouse must make written application to the CBP port director of the port where the warehouse is located. The application must include the warehouse location, a description of the premises, and an indication of the class of bonded warehouse permit desired. Owners or lessees desiring to alter or to relocate a bonded warehouse may submit an application to the CBP port director of the port where the facility is located. The authority to establish and maintain a bonded warehouse is set forth in 19 U.S.C. 1555, and provided for by 19 CFR 19.2, 19 CFR 19.3, 19 CFR 19.6, 19 CFR 19.14, and 19 CFR 19.36.

Affected Public: Businesses.

Estimated Number of Respondents: 198.

Estimated Number of Responses per Respondent: 46.7.

Estimated Total Annual Responses: 9,254.

Estimated Time per Response: 32 minutes.

Estimated Total Annual Burden Hours: 4,932.

Dated: August 24, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–18259 Filed 8–28–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0048]

Agency Information Collection Activities: Declaration of Person Who Performed Repairs

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted no later than September 28, 2017 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_*

PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). This proposed information collection was previously published in the **Federal Register** (82 FR 28503) on June 22, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Declaration of Person Who Performed Repairs.

OMB Number: 1651–0048.

Form Number: N/A.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Abstract: The ''Declaration of Persons Who Performed Repairs or Alterations,'' as required by 19 CFR 10.8, is used in connection with the entry of articles entered under subheadings 9802.00.40 and 9802.00.50, Harmonized Tariff Schedule of the United States (HTSUS). Articles entered under these HTSUS provisions are articles that were in the U.S. and were exported temporarily for repairs. Upon their return, duty is only assessed on the value of the repairs performed abroad and not on the full value of the article. The declaration under 19 CFR 10.8 includes information such as a description of the article and the repairs; the value of the article and the repairs; and a declaration by the owner, importer, consignee, or agent having knowledge of the pertinent facts. The information in this declaration is used by CBP to determine the value of the repairs and assess duty only on the value of those repairs.

Affected Public: Businesses.

Estimated Number of Respondents: 10,236.

Estimated Number of Total Annual Responses: 20,472.

Estimated Number of Annual Responses per Respondent: 2.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 10,236.

Dated: August 24, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–18258 Filed 8–28–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0022]

Agency Information Collection Activities: Entry Summary

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted (no later than September 28, 2017) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.). This proposed information collection was previously published in the **Federal Register** (82 FR 28506) on June 22, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be

summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Entry Summary.
OMB Number: 1651–0022.
Form Number: 7501, 7501A.
Current Actions: This submission is being made to extend the expiration date of this information collection with a decrease in burden hours due to increased automation. There is no change to the information collected on Form 7501 or 7501A.
Type of Review: Extension (without change).
Abstract: CBP Form 7501, Entry Summary, is used to identify merchandise entering the commerce of the United States, and to document the amount of duty and/or tax paid. CBP Form 7501 is submitted by the importer, or the importer's agent, for each import transaction. The data on this form is used by CBP as a record of the import transaction; to collect the proper duty, taxes, certifications and enforcement information; and to provide data to the U.S. Census Bureau for statistical purposes. CBP Form 7501 must be filed within 10 working days from the time of entry of merchandise into the United States.

CBP Form 7501A, Document/Payment Transmittal, is used to reconcile a supplemental payment after an initial Automated Clearinghouse payment with the associated entry so the respondent's account is properly credited.

Collection of the data on these forms is authorized by 19 U.S.C. 1484 and provided for by 19 CFR 142.11 and CFR 141.61. CBP Form 7501 and accompanying instructions can be found at *http://www.cbp.gov/newsroom/publications/forms.*
Affected Public: Businesses.

CBP Form 7501—Formal Entries (Electronic Submission)

Estimated Number of Respondents: 2,336.
Estimated Number of Responses per Respondent: 9,903.
Estimated Total Annual Responses: 23,133,408.
Estimated Time per Response: 5 minutes.
Estimated Total Annual Burden Hours: 1,920,072.86.

CBP Form 7501—Formal Entries (Paper Submission)

Estimated Number of Respondents: 28.
Estimated Number of Responses per Respondents: 9,903.
Estimated Total Annual Responses: 277,284.
Estimated Time per Response: 20 minutes.
Estimated Total Annual Burden Hours: 92,335.57.

CBP Form 7501—Formal Entries With Softwood Lumber Act

Estimated Number of Respondents: 210.
Estimated Number of Responses per Respondent: 1,905.
Estimated Total Annual Responses: 400,050.
Estimated Time per Response: 40 minutes.
Estimated Total Annual Burden Hours: 266,433.

CBP Form 7501—Informal Entries (Electronic Submission)

Estimated Number of Respondents: 1,883.
Estimated Number of Responses per Respondent: 2,582.
Estimated Total Annual Responses: 4,861,906.
Estimated Time per Response: 5 minutes.
Estimated Total Annual Burden Hours: 403,538.20.

CBP Form 7501—Informal Entries (Paper Submission)

Estimated Number of Respondents: 19.
Estimated Number of Responses per Respondent: 2,582.
Estimated Total Annual Responses: 49,058.
Estimated Time per Response: 15 minutes.
Estimated Total Annual Burden Hours: 12,264.5.

CBP Form 7501A—Document/Payment Transmittal

Estimated Number of Respondents: 20.
Estimated Number of Responses per Respondent: 60.
Estimated Total Annual Responses: 1,200.
Estimated Time per Response: 15 minutes.
Estimated Total Annual Burden Hours: 300.

Dated: August 24, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–18256 Filed 8–28–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0078]

Agency Information Collection Activities: Automated Clearinghouse

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted no later than September 28, 2017 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). This proposed information collection was previously published in

the **Federal Register** (82 FR 28505) on June 22, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Automated Clearinghouse.
OMB Number: 1651–0078.
Form Number: CBP Form 400.
Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.
Type of Review: Extension (without change).
Abstract: The Automated Clearinghouse (ACH) allows participants in the Automated Broker Interface (ABI) to transmit daily statements, deferred tax, and bill payments electronically through a financial institution directly to a CBP account. ACH debit allows the payer to exercise more control over the payment process. In order to participate in ACH debit, companies must complete CBP Form 400, *ACH Application.* Participants also use this form to notify CBP of changes to bank information or contact information. The ACH procedure is authorized by 19 U.S.C. 58a–58c and 19 U.S.C. 66, and provided for by 19 CFR 24.25. CBP Form 400 is accessible at *https://www.cbp.gov/sites/default/files/documents/CBP%20Form%20400_0.pdf*
Affected Public: Businesses.
Estimated Number of Respondents: 1,443.
Estimated Number of Annual Responses per Respondent: 2.
Estimated Number of Total Annual Responses: 2,886.
Estimated Time per Response: 5 minutes.
Estimated Total Annual Burden Hours: 240.

Dated: August 24, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–18257 Filed 8–28–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Office of Compliance and Security

DHS NPPD Visitor Request Form Collection

AGENCY: National Protection and Programs Directorate, DHS.

ACTION: 30-day notice and request for comments; New Collection, 1670–NEW.

SUMMARY: The Department of Homeland Security (DHS), National Protection and Programs Directorate (NPPD), Office of Compliance and Security (OCS), will submit the following Information Collection Request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. DHS previously published this information collection request (ICR) for a 60-day public comment period. No comments were received by DHS. The purpose of this notice is to allow an additional 30 days for public comments.

DATES: Comments on the ICR first published in the **Federal Register** on Wednesday, May 17, 2017 at 82 FR 22673 are encouraged and will be accepted until September 28, 2017. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to OMB Desk Officer, Department of Homeland Security and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.* All submissions received must include the words ''Department of Homeland Security'' and 1670–NEW—NPPD Visitor Request Form.

Comments submitted in response to this notice may be made available to the public through relevant Web sites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

SUPPLEMENTARY INFORMATION: Public Law 107–296, The Homeland Security Act of 2002, Title II, recognizes the Department's role in integrating relevant critical infrastructure and cybersecurity information, analyses, and vulnerability assessments (whether such information, analyses, or assessments are provided or produced by the Department or others) in order to identify priorities for protective and support measures by the Department, other agencies of the Federal Government, State and local government agencies and authorities, the private sector, and other entities while maintaining positive control of sensitive information regarding the national infrastructure. In support of this mission, the National Protection and Programs Directorate Office of Compliance and Security must maintain a robust visitor screening capability.

The Office of Compliance and Security will collect, using an electronic form, information about each potential visitor to NPPD facilities and the nature of each visit. The Office of Compliance and Security will use collected information to make a risk-based decision to allow visitor access to NPPD facilities.

This is a new information collection. The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who

are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Office of Compliance and Security, National Protection and Programs Directorate, DHS.

Title: Agency Information Collection Activities: NPPD Visitor Request Form.

OMB Number: 1670–NEW.

Frequency: Annually.

Affected Public: Private and Public Sector.

Number of Respondents: 20,000.

Estimated Time per Respondent: 10 minutes.

Total Burden Hours: 3,333 hours.

Dated: August 24, 2017.

David Epperson,

Chief Information Officer.

[FR Doc. 2017–18307 Filed 8–28–17; 8:45 am]

BILLING CODE 9110–09–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6001–N–34]

60-Day Notice of Proposed Information Collection: Requirements for Single Family Mortgage Instruments

AGENCY: Office of the Assistant Secretary for Housing- Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date: October 30, 2017.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Kevin Stevens, Deputy Director, HMID, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email *Kevin.L.Stevens@HUD.gov* or telephone (202) 402–4317. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Mr. Stevens.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Requirements for Single Family Mortgage Instruments.

OMB Approval Number: 2502–0404.

Type of Request: Extension.

Form Number: None.

Description of the need for the information and proposed use: This information is used to verify that a mortgage has been properly recorded and is eligible for FHA insurance.

Respondents (*i.e.* affected public): Individuals or household.

Estimated Number of Respondents: 15,871.

Estimated Number of Responses: 1,306,931.

Frequency of Response: One per mortgage.

Average Hours per Response: 5 minutes.

Total Estimated Burdens: 108,911.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 10, 2017.

Dana T. Wade,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–18225 Filed 8–28–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6009–N–03]

Privacy Act of 1974, Office of Native American Programs—Loan Origination System; System of Records

AGENCY: Office of Public and Indian Housing, HUD.

ACTION: Notice of New Privacy Act System of Records.

SUMMARY: ONAP–LOS will automate and expedite the processes required to originate a loan guarantee under the Section 184 Indian Home Loan Guarantee Program. ONAP–LOS will enable lender institutions to register new Section 184 loans, request reservations of funds, and submit completed loan case binders to HUD electronically. replacing the hard copy files currently used by HUD's Office of Loan Guarantee (OLG) staff to endorse loans to receive the Section 184 Indian Home Loan Guarantee.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment. Therefore, submit comments on or before September 28, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Room 10276, Washington, DC 20410. Communications should refer to the above docket number and title. Faxed comments are not accepted. A copy of each communication submitted will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Marcus Smallwood, Acting Chief Privacy Officer, 451 Seventh Street SW., Room 10139, Washington, DC 20410, telephone number 202–708–9252 (this

is not a toll-free number). Individuals who are hearing- and speech-impaired may access this number via TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: None.

SYSTEM NAME AND NUMBER:

Office of Native American Programs—Loan Origination System or ONAP–LOS. The system number is P304.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Records are maintained at the Department of Housing and Urban Development Headquarters, 451 Seventh Street SW., Room 4156, Washington, DC 20410. HUD staff have access to ONAP–LOS through HUD's standard telecommunications network from a web browser. Lender institutions will have access via the internet.

SYSTEM MANAGER(S):

Tom Wright, System Owner, *Thomas.C.Wright@hud.gov;* Department of Housing and Urban Development Headquarters, 451 Seventh Street SW., Washington, DC 20410, 202–402–4978.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 3543—Preventing fraud and abuse in Department of Housing and Urban Development Programs (enacted as part of the Housing and Community Development Act of 1987)–(a) Disclosure of social security account number. As a condition of initial or continuing eligibility for participation in any program of the Department of Housing and Urban Development involving loans, grants, interest or rental assistance of any kind, or mortgage or loan insurance, and to ensure that the level of benefits provided under such programs is proper, the Secretary of Housing and Urban Development may require that an applicant or participant (including members of the household of an applicant or participant) disclose his or her social security account number or employer identification number to the Secretary.

Section 184 of the Housing and Community Development Act of 1992 (Pub. L. 102–550, approved October 28, 1992), as amended by the Native American Housing Assistance and Self-Determination Act of 1996 (Pub. L. 104–330, approved October 26, 1996) and 2013 Consolidated and Further Continuing Appropriations Act (Pub. L. 113–6, approved March 26, 2013), established the Section 184 program to provide access to sources of private mortgage financing to Indian families, Indian housing authorities, and Indian tribes. Congress established this program in 1992 to facilitate homeownership and increase access to capital in Native American Communities. The Section 184 program addresses obstacles to mortgage financing on trust land and in other Indian and Alaska Native areas by giving HUD the authority to guarantee loans to eligible persons and entities to construct, acquire, refinance, or rehabilitate one- to four-family dwellings in these areas. ONAP–LOS is being developed to provide automated capabilities for the ONAP Office of Loan Guarantee. FR Doc. 2016–26331 Filed 10–31–16.

PURPOSE(S) OF THE SYSTEM:

ONAP–LOS will automate and expedite the processes required to originate a loan guarantee under the Section 184 Indian Home Loan Guarantee Program. ONAP–LOS will enable lender institutions to register new Section 184 loans, request reservations of funds, and submit completed loan case binders to HUD electronically to support the loan endorsement process. In addition, the ONAP–LOS system will include a lender registration and re-certification capability. ONAP–LOS will allow for increased data collection on borrowers, properties, and transactions. Once fully implemented, ONAP–LOS will integrate loan performance data collection and analysis, loss mitigation efforts on delinquent loans, and default loan tracking. The system will enable the expansion of the credit model to include more econometric-, borrower- and transaction-level analysis to better model the program and overall risk. It will provide for better case tracking, reporting and program management, and analysis.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The ONAP–LOS system, in support of the Section 184 Indian Home Loan Guarantee Program, will capture and maintain data across the following major information categories:

a. Section 184 Direct Guarantee Lenders describe the lending institutions that register the loans, log property appraisals, reserve funds for obligation, and request endorsements of loans.

b. Native American and Alaskan Native Borrowers and any Co-Borrowers who have applied for and/or obtained a loan guarantee certificate under HUD's Section 184 Indian Home Loan Guarantee Program.

c. Property and Appraisals associated with the Section 184 loans to be endorsed.

d. Section 184 Loans.

These information categories, particularly ''Primary Borrowers and Co-Borrowers'' will include personally identifiable information (PII).

For ONAP–LOS, a unique case number is assigned to each Section 184 loan and is used to identify and retrieve the loan information including the borrower/co-borrower SSN (see section above, ''AUTHORITY FOR MAINTENANCE OF THE SYSTEM''). To secure this information, ONAP–LOS data is transmitted electronically and is protected by the following electronic security systems: Password, encryption, user ID, authorization and authentication processes, Transport Layer Security (TLS), firewall, Public Key Infrastructure, and additional controls for internal users including Personal Identity Verification (PIV) Cards and Virtual Private Network (VPN).

CATEGORIES OF RECORDS IN THE SYSTEM:

The following are the categories of information that is collected and stored by ONAP–LOS. The information is used to verify factors necessary to ensure accurate and complete endorsement review and approval of Section 184 loans. A detailed data dictionary has been developed for ONAP–LOS and is available upon request.

Native American and Alaskan Native Borrowers and any Co-Borrowers who have applied for and/or obtained a loan guarantee certificate under HUD's Section 184 Indian Home Loan Guarantee Program

- Primary Borrower Identifier (system generated)
- Primary Borrower First Name
- Primary Borrower MI
- Primary Borrower Last Name
- Primary Borrower SSN
- Primary Borrower Date of Birth
- Primary Borrower Type
- Primary Borrower Tribal Affiliation
- Co-Borrower Identifier (system generated)
- Co-Borrower First Name
- Co-Borrower MI
- Co-Borrower Last Name
- Co-Borrower SSN
- Co-Borrower Tribal Affiliation
- Co-Borrower Date of Birth

Section 184 Direct Guarantee Lenders describe the lending institutions that request to register the loans with HUD, reserve the funds for obligation, and request loan guarantee certificates. The following information will be captured in the initial release of ONAP–LOS.

Future releases will deliver lender registration and re-certification capabilities, which will expand the list of attributes collected.

- Lender Identifier (system generated)
- Lender Name
- Lender Contact Name
- Lender Email
- Lender Phone
- Lender Fax
- Name of Loan Officer(s)
- Name of Loan Underwriter(s)
- Institution Address
- Lender Tax ID Number
- Broker Name
- Broker Tax ID Number

Property that is associated with the Section 184 loan to be endorsed

- Address (Street, City, State, Zip)
- County
- Land Type Code
- Number of Units
- Bureau of Indian Affairs (BIA) Reservation #
- BIA Track #
- Contract Number (Tribal Status Report)
- Number of Living Units
- Lot #
- Block #

Section 184 Loan

- Case Number
- Case Assignment Date
- Loan Type
- Loan Purpose
- Base Mortgage Amount
- Upfront Fee Amount
- Loan Amount with Fee
- Loan Case Status
- Prior Case Number (if applicable)
- Prior Case Status (if applicable)
- Cohort Number
- Subsidy Rate
- Interest Rate

ONAP–LOS will include receipt of information from HUD's *Pay.Gov* Common Service (HPCS) Interface. For each loan endorsed by HUD, the ONAP–LOS system will use the HPCS interface to obtain the amount of the loan guarantee fee paid by the lender on behalf of the Native American borrower.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The records collected and contained in the ONAP–LOS system will not be shared outside the HUD firewall during the routine use of the system. However, in addition to those disclosures generally permitted under 5 U.S.C. Section 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside HUD as a routine use pursuant to 5 U.S.C. 552a(b)(3) for the following exceptions:

1. To appropriate agencies, entities, and persons to the extent such disclosures are compatible with the purpose for which the records in this system were collected, as set forth by Appendix I—HUD's Routine Use Inventory Notice published in the **Federal Register**.

2. To appropriate agencies, entities, and persons when:

a. HUD suspects or has confirmed that the security or confidentiality of information in a system of records has been compromised;

b. HUD has determined that as a result of the suspected, or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of systems or programs (whether maintained by HUD or another agency or entity) that rely upon the compromised information;

c. The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm for purposes of facilitating responses and remediation efforts in the event of a data breach.

3. To the National Archives and Records Administration (NARA) or to the General Services Administration (GSA) for records having sufficient historical or other value to warrant continued preservation by the United States Government, or for inspection under Title 44 U.S.C. 2904 and 2906.

4. To another Federal agency or Federal entity, HUD will follow the Department's standard procedures in determining and then disseminating information from ONAP–LOS that is reasonably necessary to assist the recipient agency or entity in: (a) Responding to a suspected or confirmed breach or, (b) Preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

5. To a congressional office from the record of an individual, in response to an inquiry from that congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

ONAP–LOS is adopting the Single-Family Home Mortgage Insurance Program records disposition schedule, which covers electronic management and references to Appendix 20 of the HUD Records Disposition Schedules Handbook (2225.6 Rev-1).

Currently, HUD prints and builds the loan case binder which comprises all documentation associated with the loan. Each loan case binder is shipped and stored to a record storage contractors provide named Iron Mountain for the life of the loan (30 years, plus an additional 6 years, as is required in Schedule 20). With ONAP–LOS in production, the records management capabilities will retain/archive the documentation per this required period.

Data stored electronically is protected by the following electronic security systems: Password, encryption, user ID, authorization and authentication processes, firewall, and TLS.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

HUD retrieves system information by the individual's name, last four digits of his or her Social Security Number, and, if known, the system generated case identification number. Lender information would be retrieved by the Lender's legal name and Taxpayer Identification Number (TIN) and then similar individual information.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

ONAP–LOS maintains records as needed under the NARA approved records schedule HUD Records Disposition Schedules Handbook (2225.6 Rev-1), Appendix 20. The loan case binder will be maintained in ONAP–LOS for the life of the loan (30 years, plus an additional 6 years, as is required in Schedule 20).

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

ONAP–LOS has implemented a set of security controls to minimize the risk, including:

- Passwords and Social Security Numbers are masked on the user input forms.
- Strong access controls that are implemented in accordance with the principles of separations of duties and least privilege. External users only have access to the information that they have entered. The exception is some privileged users at external organizations that have access to all information their organization has entered.
- The application logs the user out after 10 minutes of inactivity, hiding previously visible information.
- Encrypting sensitive information in the ONAP–LOS database.
- Data is stored internally, protected by a firewall and physical security controls provided by Azure.

• HUD and Microsoft Azure implement physical security controls to protect stored electronic information.

• Data is only shared internally or with the Department of Treasury. The information shared with Treasury is limited to the financial transactions for reserving funds (commitments) and endorsements of approved mortgage insurance applications (obligations). HUD has a shared service agreement with Treasury that covers transactions to ARC. The information in the financial transactions is transmitted to Department of Treasury via the daily ARC Report. See Section 6.1 for the list of transmitted information.

• All database back-ups are saved per the OCIO secure operations procedures for enterprise systems.

• Any printouts by OLG staff is used for administrative purposes and then destroyed.

RECORD ACCESS PROCEDURES:

All information related to the Lender, Broker, Property, Appraisal, Appraiser, Borrower, Co-Borrower, Sponsor and the Loan is collected and entered by the external lending institution and provided to HUD via ONAP–LOS.

Individuals desiring to determine whether this system of records contains information about them may do so in accordance with HUD's Privacy Act Web site: *https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/admh/1325.1.*

Privacy Act Requests are to be sent to: Privacy Act Officer, Department of Housing and Urban Development, 451 7th St. SW., Room 10139, Washington, DC 20410.

Privacy Act notice procedures are referenced in the HUD Privacy Act Handbook.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest records may refer to the HUD FOIA Reference Guide and refer to the FOIA notice procedures on the Web site: *https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/foia/requests.*

The request should be submitted to the Department's FOIA office address below.

U.S. Department of Housing and Urban Development, Freedom of Information Act Office, 451 7th Street SW., Room 10139, Washington, DC 20410–3000, Facsimile: (202) 619–8365.

NOTIFICATION PROCEDURES:

Individuals wishing to determine whether this system of records contains information about them may do so by contacting their lending institution or contacting HUD's Privacy Office or Freedom of Information Act Office at the addresses above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

Dated: July 25, 2017.

Helen Goff Foster,

Chief Administrative Officer and Executive Secretary, Senior Agency Official for Privacy.

[FR Doc. 2017–18228 Filed 8–28–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–R6–ES–2017–0044; FF06E11000–167–FXES11120600000]

Endangered and Threatened Wildlife and Plants; Permits; Draft Supplement to Environmental Impact Statement, Amendment to Habitat Conservation Plan for Forest Management in Montana, and Application for Amended Incidental Take Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: The Montana Department of Natural Resources and Conservation (DNRC) is amending its Forested Trust Lands Habitat Conservation Plan (2010 HCP) to incorporate the terms of a settlement agreement and add lands that it acquired since the U.S. Fish and Wildlife Service (Service) issued an incidental take permit (permit) to DNRC in December 2011. The Service is proposing to amend the associated permit under the Endangered Species Act (ESA) to authorize additional take of all but one of the species covered in the 2010 HCP resulting from addition of the acquired lands. We announce the availability of the following documents for review and comment by the public and Federal, Tribal, State, and local governments: Draft Supplemental Environmental Impact Statement (Draft SEIS) for amending the 2010 HCP and permit; Proposed Amended HCP Commitments for Additional Lands and Terms of the Settlement Agreement (Attachment A of the Draft SEIS); and Draft DNRC Assessment of Incidental Take for the Proposed Amended HCP (Attachment C of the Draft SEIS).

DATES: *Submitting Comments:* Written comments must be submitted by October 13, 2017.

ADDRESSES: *Document Availability:* The Draft SEIS, Proposed Amended HCP Commitments for Additional Lands and Terms of the Settlement Agreement (Attachment A of the Draft SEIS), and Draft DNRC Assessment of Incidental Take for the Proposed Amended HCP (Attachment C of the Draft SEIS) are available at:

• *Internet:* The Federal eRulemaking Portal (*www.regulations.gov*) in Docket No. FWS–R6–ES–2017–0044. Information regarding the Draft SEIS and accompanying documents is available in alternative formats upon request (see **FOR FURTHER INFORMATION CONTACT**).

• *In-Person Review or Pick-Up:* Documents will also be available for public inspection by appointment during normal business hours at the U.S. Fish and Wildlife Service, 780 Creston Hatchery Road, Kalispell, MT 59901 (telephone, 406–758–6882); U.S. Fish and Wildlife Service, 585 Shepard Way, Suite 1, Helena, MT 59601 (telephone, 406–449–5225); Montana DNRC Forest Management Bureau, 2705 Spurgin Rd, Missoula, MT 59804 (telephone, 406–542–4328).

Submitting Comments: To request further information or send written comments, please use one of the following methods, and note that your information requests or comments are in reference to the proposed amended DNRC HCP. Please specify which documents your comment addresses: Draft SEIS, proposed amended HCP commitments, or proposed amendments to authorized take.

• *Internet:* Submit comments at *http://www.regulations.gov* in Docket No. FWS–R6–ES–2017–0044, or via the Montana DNRC Web site at *http://dnrc.mt.gov/divisions/trust/forest-management/hcp/hcp-announcements.*

• *U.S. Mail:* Public Comments Processing, Attn: Docket No. FWS–R6–ES–2017–0044; U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike, Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: Ben Conard, Assistant Field Supervisor, Kalispell Field Office, via email at *Ben_Conard@fws.gov* or via telephone at 406–758–6882; or Gary Frank, Deputy Chief, Forest Management Bureau, Montana DNRC, via email at *gfrank@mt.gov,* or via telephone at 406–542–4328. Information on this proposed action is also available at the DNRC's Web site at *http://dnrc.mt.gov/divisions/trust/forest-management/hcp.* If you use a telecommunications device for the deaf, hard-of-hearing, or speech disabled, please call the Federal Relay Service at 800–877–8337.

SUPPLEMENTARY INFORMATION: We received an application from Montana DNRC for an amended incidental take permit to authorize additional incidental take of the grizzly bear, Canada lynx, bull trout, and westslope cutthroat trout. No changes in authorized take of the Columbia redband trout, covered by the original permit, is necessary because it does not occur on the lands proposed to be added to the HCP. The additional take would result from implementing the DNRC forest management program on the 81,416 acres proposed to be added to the HCP. The DNRC is also proposing to amend the HCP to incorporate the terms of a settlement agreement to add conservation measures and remove others. As part of its application, the DNRC prepared a draft amendment to the HCP detailing specific changes to the 2010 HCP commitments to incorporate the terms of the settlement agreement.

In the Draft SEIS, we analyze potential effects to the covered species and other factors of the human environment from implementing the proposed amended HCP with issuance of an amended permit and from implementing the no-action alternative.

Background

Section 9 of the ESA prohibits take of fish and wildlife species listed as endangered (16 U.S.C. 1538). Under section 3 of the ESA, the term ''take'' means to ''harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct'' (16 U.S.C. 1532(19)). The term ''harm'' is defined in title 50 of the Code of Federal Regulations as ''an act which actually kills or injures wildlife. Such acts may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering'' (50 CFR 17.3). The term ''harass'' is defined in the regulations as ''an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering'' (50 CFR 17.3).

Under section 4(d) of the ESA, the Service may issue regulations pertaining to threatened species that are necessary for their conservation, and under section 10(a) of the ESA, the Service may issue permits to authorize incidental take of listed fish and wildlife species. ''Incidental take'' is defined by the ESA as take that is incidental to, and not the purpose of, carrying out an otherwise lawful activity. Section 10(a)(1)(B) of the ESA contains provisions for issuing incidental take permits to non-Federal entities for the incidental take of endangered and threatened species, provided the following criteria are met:

- The taking will be incidental.
- The applicant will minimize and mitigate, to the maximum extent practicable, the impact of such taking.
- The applicant will develop an HCP and ensure that adequate funding for the plan will be provided.
- The taking will not appreciably reduce the likelihood of the survival and recovery of the species in the wild.
- The applicant will carry out any other measures that the Secretary of the Interior may require as being necessary or appropriate for the purposes of the HCP.

Regulations governing activities involving endangered species are at 50 CFR part 17, subpart C, and regulations governing activities involving threatened species are at 50 CFR part 17, subpart D.

The National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) requires that Federal agencies conduct an environmental analysis of their proposed actions to determine whether the actions may significantly affect the human environment. Under NEPA and its implementing regulations (40 CFR 1500 *et seq.*), Federal agencies must also compare effects of a reasonable range of alternatives to the proposed action. In these analyses, the Federal agency will identify potentially significant direct, indirect, and cumulative effects, as well as possible mitigation for any significant effects, on biological resources, land use, air quality, water resources, socioeconomics, environmental justice, cultural resources, and other environmental resources that could occur with the implementation of the proposed action and alternatives.

In April 2009, the DNRC applied for a permit for take of the grizzly bear, Canada lynx, bull trout, westslope cutthroat trout, and Columbia redband trout incidental to forest management activities. The grizzly bear, lynx, and bull trout are federally listed as threatened, while the westslope and Columbia redband trout are not listed under the ESA. Before deciding whether to issue the permit, we analyzed the potential effects of implementing the HCP and alternatives in a draft environmental impact statement (EIS). In 2009, we provided comment periods totaling 105 days for the public to review DNRC's permit application package, which included the draft HCP and draft EIS (74 FR 30617). After considering the public comments and determining that all requirements under section 10(a)(1)(B) of the ESA were met, the Service issued the permit to DNRC on December 14, 2011.

The original permit covers approximately 548,500 acres of forested State trust lands in western Montana. However, the HCP addressed the process and contingencies for DNRC to transfer, exchange, or add lands for their forest management activities in the future. Thus, the Service previously considered in the EIS the potential effects of amending the HCP and permit to cover such actions.

In April, 2013, Friends of the Wild Swan, Montana Environmental Information Center, and Natural Resources Defense Council challenged the issuance of the permit in a Federal District Court in Montana. The Court ruled in the Service's favor on all but one count. DNRC and the plaintiffs subsequently entered a settlement agreement for the remaining count in September, 2015. The future addition of lands to the HCP and permit were not part of the complaint or the settlement agreement.

Proposed Action

The Service proposes to issue an amended permit that authorizes additional incidental take of the covered species resulting from adding 81,416 acres to the area covered in the HCP. DNRC is amending its HCP so that its relevant conservation commitments to avoid, minimize, and mitigate the impacts of incidental take will be implemented on the new lands. The DNRC is also amending the HCP to incorporate the terms of the settlement agreement, which would not result in any changes to the permit.

The lands proposed to be added to the HCP are in the Swan, Chamberlain, Potomac, Lolo Land Exchange, Upper Blackfoot, and Southern Bitterroot acquisition areas. The draft amendment to the HCP adds (1) the Swan acquisition lands to the Swan Transportation Plan, (2) the Swan acquisition area to the Swan Lynx Management Area, and (3) portions of the Chamberlain and Potomac acquisition areas to the Garnet Lynx Management Area. It also revises the acres of lynx critical habitat addressed in the HCP.

The terms of the settlement agreement focus primarily on adjusting management of DNRC's Class A lands under the Stillwater Block Transportation Plan in the HCP, which entailed a strategy of a cycle of 4 years of active forest management, followed

by 8 years of rest. The settlement agreement identifies 7 distinct grizzly bear security zones almost entirely on the original 19,400 acres of Class A lands in the Stillwater Block in the HCP, but also adds 2,300 acres in a new area in Coal Creek State Forest. The amended HCP would replace the 4-year active/8-year rest rotation with specific measures for restricting forest management activities to the denning season in these grizzly bear security zones. All motorized activities below 6,300 feet in elevation within the grizzly security zones would be allowed during the grizzly denning season and prohibited all year round above that elevation. The current HCP prohibits new permanent road construction on the original 19,400 acres of Class A lands. This measure would remain essentially the same under an amendment, but to incorporate the terms of the settlement agreement, it would be specifically applied to the seven grizzly security zones, including the additional 2,300 acres in the Coal Creek State Forest. Several other measures in the HCP for Class A lands would remain the same but be extended to the grizzly security zones. Other amendments specifically spell out measures that DNRC had committed to implement in the original HCP but were previously incorporated by reference from DNRC's Forest Management Administrative Rules of Montana.

The original HCP requires the DNRC to complete corrective actions at sites identified with high risk of sediment delivery in bull trout watersheds in the HCP plan area by 2027. As directed by the settlement agreement, the HCP would be amended to prioritize and complete such corrective actions in federally designated bull trout critical habitat in the Stillwater Block by 2024.

Lastly, over the past 5 years of HCP implementation, the Service and DNRC identified some commitment and procedural clarifications that would be incorporated into the HCP. These amendments would serve to help DNRC understand how to implement certain measures and would not entail any changes to the nature of the measures or how they affect the covered species.

Alternatives Analyzed in the Draft SEIS

The Draft SEIS considers the direct, indirect, and cumulative effects of the proposed action, including the proposed amended HCP's measures intended to avoid, minimize, and mitigate such impacts, and no-action alternatives. The proposed action entails issuing DNRC an amended permit authorizing additional take based on amendments to the HCP to add covered lands and incorporate terms of the settlement agreement. The no-action alternative would include amending the HCP to incorporate the terms of the settlement agreement, which is legally required, but would not include adding lands or issuing an amended permit authorizing additional take.

The Service invites comments and suggestions from interested parties on the content of the Draft SEIS. In particular, information and comments regarding the following topics are requested:

1. The direct, indirect, or cumulative effects that implementation of either action alternative could have on the natural and human environment.
2. Whether or not the impact on various aspects of the natural and human environment have been adequately analyzed.
3. Any other information pertinent to evaluating the effects of the proposed action on the natural and human environment.

Role of the Environmental Protection Agency in the EIS Process

The U.S. Environmental Protection Agency (EPA) is charged under section 309 of the Clean Air Act to review all Federal agencies' environmental impact statements (EISs) and to comment on the adequacy and acceptability of the environmental impacts of proposed actions in the EISs.

EPA also administers the database for EISs prepared by Federal agencies and provides notice of their availability in the **Federal Register**. The EIS database provides information about EISs prepared by Federal agencies, as well as EPA's comments concerning the EISs. All EISs are filed with EPA, which publishes a notice of availability each Friday in the **Federal Register**.

For more information, see *http://www.epa.gov/compliance/nepa/eisdata.html.* You may search for EPA comments on EISs, along with EISs themselves, at *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

Public Comments

Written comments received become part of the public record associated with this action. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may request in your comment that we withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will not consider anonymous comments. All submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses will be made available for public disclosure in their entirety.

Authority

We provide this notice under section 10(c) of the ESA (16 U.S.C. 1531 *et seq.*) and its implementing regulations for incidental take permits (50 CFR 17.22) and NEPA (42 U.S.C. 4371 *et seq.*) and its implementing regulations (40 CFR 1506.6; 43 CFR part 46).

Michael G. Thabault,

Assistant Regional Director–Ecological Services, Mountain-Prairie Region, U.S. Fish and Wildlife Service, Lakewood, Colorado.

[FR Doc. 2017–18418 Filed 8–28–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR02800000, 17XR0680A3, RX178689471000000]

Draft Environmental Impact Statement for the Shasta Dam Fish Passage Evaluation, California; Reopening of Comment Period

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice to reopen comment period.

SUMMARY: The Bureau of Reclamation (Reclamation) is reopening the public comment period on the scope of the draft environmental impact statement (EIS) for the Shasta Dam Fish Passage Evaluation.

DATES: The comment period for the scope of the draft EIS published June 15, 2017 (82 FR 27522), is reopened. Comments should be received on or before September 28, 2017.

ADDRESSES: You may send comments to Ms. Carolyn Bragg, Natural Resources Specialist, Bureau of Reclamation, Bay-Delta Office, 801 I Street, Suite 140, Sacramento, CA 95814–2536; or by email to *cbragg@usbr.gov;* or via facsimile to (916) 414–2439.

FOR FURTHER INFORMATION CONTACT: Carolyn Bragg, (916) 414–2433, or email at *cbragg@usbr.gov.*

SUPPLEMENTARY INFORMATION: On June 15, 2017, Reclamation published a notice in the **Federal Register** announcing its intent to prepare a draft EIS. Since then, Reclamation has received a formal request from the

public requesting more time to comment on the scope of the draft EIS. This notice reopens that comment period for 30 days.

Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 27, 2017.

Travis B. Aberle,

Assistant Regional Director of Business Services.

[FR Doc. 2017–18267 Filed 8–28–17; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR02050400, 17XR0687NA, RX.18527901.3000000]

Central Valley Project Improvement Act Refuge Water Management Plans

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability.

SUMMARY: To meet the requirements of the Central Valley Project Improvement Act of 1992 (CVPIA) and subsequent Department of the Interior administrative review process, the Bureau of Reclamation developed and published the Criteria for Developing Refuge Water Management Plans (Refuge Criteria). The 13 entities listed below each developed a Refuge Water Management Plan, which Reclamation evaluated and has preliminarily determined meets the requirements of the Refuge Criteria. Reclamation is publishing this notice to enable the public to review each plan and to comment on the preliminary determination. Public comment is invited at this time.

DATES: Submit written comments on the preliminary determinations on or before September 28, 2017.

ADDRESSES: Send written comments to Ms. Charlene Stemen, Bureau of Reclamation, 2800 Cottage Way, MP–400, Sacramento, CA 95825; or via email at *cstemen@usbr.gov.*

FOR FURTHER INFORMATION CONTACT: To be placed on a mailing list for any subsequent information, please contact Ms. Charlene Stemen at *cstemen@usbr.gov,* or at 916–978–5218 (TDD 978–5608).

SUPPLEMENTARY INFORMATION: The following Refuge Water Management Plans are available for review:

- San Luis National Wildlife Refuge
- Kern National Wildlife Refuge
- Merced National Wildlife Refuge
- Pixley National Wildlife Refuge
- Los Banos State Wildlife Area
- Volta State Wildlife Area
- North Grassland State Wildlife Area
- Mendota State Wildlife Area
- Grassland Resource Conservation District (GRCD)
- Delevan National Wildlife Refuge
- Colusa National Wildlife Refuge
- Sacramento National Wildlife Refuge
- Gray Lodge State Wildlife Area

The Refuge Criteria provides a common methodology, or standard, for efficient use of water by Federal Wildlife Refuges, State wildlife management areas, and resource conservation districts that receive water under provisions of the CVPIA. The Bureau of Reclamation, in coordination with the Interagency Refuge Water Management Team, determined that the CVPIA Refuge Water Management Plan Criteria for 2010 shall be used as guidance for the proposed 2015 Refuge Water Management Plans. The press release can be found at the following Web site: *www.usbr.gov/newsroom/newsrelease/detail.cfm?RecordID=49568.* The 2010/2015 Refuge Criteria can be found at the following Web site: *https://www.usbr.gov/mp/watershare/docs/2010-refuge-criteria.pdf.* A copy of these Refuge Water Management Plans will be available for review at Reclamation's Mid-Pacific Regional Office, 2800 Cottage Way, MP–400, Sacramento, CA 95825. If you wish to review a copy of these Water Management Plans, please contact Ms. Stemen.

Public Disclosure

Our practice is to make comments, including names and home addresses of respondents, available for public review. Before including your address, phone number, email address, or other personally-identifying information in your comment, please be aware that your entire comment—including such identifying information—may be made publicly available at any time. In your comment you may request us to withhold your personally-identifying information from public review; however, we cannot guarantee we will be able to do so.

Dated: August 21, 2017.

Richard J. Woodley,

Regional Resources Manager, Mid-Pacific Region, Bureau of Reclamation.

[FR Doc. 2017–18269 Filed 8–28–17; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Public Meeting of the Glen Canyon Dam Adaptive Management Work Group

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act of 1972, the Bureau of Reclamation (Reclamation) is publishing this notice to announce that a Federal Advisory Committee meeting of the Glen Canyon Dam Adaptive Management Work Group (AMWG) will take place.

DATES: The meeting will be held on Wednesday, September 20, 2017, from 8:30 a.m. to approximately 5:30 p.m.

ADDRESSES: The meeting will be held at the DoubleTree by Hilton, 2100 South Priest Drive, Tempe, Arizona, 85282.

FOR FURTHER INFORMATION CONTACT: Ms. Katrina Grantz, Bureau of Reclamation, telephone (801) 524–3635; email at *kgrantz@usbr.gov;* facsimile (801) 524–3807.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552B, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The Glen Canyon Dam Adaptive Management Program (GCDAMP) was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102–575) of 1992. The AMWG makes recommendations to the Secretary of the Interior concerning Glen Canyon Dam operations and other management actions to protect resources downstream of Glen Canyon Dam, consistent with the Grand Canyon Protection Act. The AMWG meets two to three times a year.

Agenda: The AMWG will meet to approve the Fiscal Year 2018 Budget and Work Plan, and receive updates on: (1) Current basin hydrology and 2018 operations; (2) non-native fish issues; (3)

joint tribal liaison report; and (4) science results from Grand Canyon Monitoring and Research Center staff. The AMWG will also discuss other administrative and resource issues pertaining to the GCDAMP. To view a copy of the agenda and meeting documents, and/or participate via WebEx/Conference Call, please visit Reclamation's Web site at *https://www.usbr.gov/uc/rm/amp/amwg/mtgs/17sep20.*

Meeting Accessibility/Special Accommodations: The meeting is open to the public and seating is on a first-come basis. Individuals requiring special accommodations to access the public meeting should contact Ms. Linda Whetton, Bureau of Reclamation, Upper Colorado Regional Office, by email at *lwhetton@usbr.gov,* or phone (801) 524–3880, at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

Public Disclosure of Comments: Time will be allowed at the meeting for any individual or organization wishing to make formal oral comments. To allow for full consideration of information by the AMWG members, written notice must be provided to Ms. Katrina Grantz, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 8100, Salt Lake City, Utah, 84138; email at *kgrantz@usbr.gov;* or facsimile (801) 524–3807, at least five (5) business days prior to the meeting. Any written comments received will be provided to the AMWG members.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: July 28, 2017.

Kathleen Callister,

Manager, Environmental Resources Division, Upper Colorado Regional Office.

[FR Doc. 2017–18265 Filed 8–28–17; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Bureau of Safety and Environmental Enforcement

[Docket ID BSEE–2017–0004; 17XE1700DX EEEE500000 EX1SF0000.DAQ000; OMB Control Number 1014–0015]

Information Collection Activities; Unitization

AGENCY: Bureau of Safety and Environmental Enforcement, Interior.

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Safety and Environmental Enforcement is proposing to renew an information collection with revisions.

DATES: Interested persons are invited to submit comments on or before October 30, 2017.

ADDRESSES: Send your comments on the information collection request (ICR) by either of the following methods listed below:

- Electronically go to *http://www.regulations.gov.* In the Search box, enter BSEE–2017–0004 then click search. Follow the instructions to submit public comments and view all related materials. We will post all comments.
- Email *Kelly.Odom@bsee.gov,* fax (703) 787–1546, or mail or hand-carry comments to the Department of the Interior; Bureau of Safety and Environmental Enforcement; Regulations and Standards Branch; ATTN: Kelly Odom; 45600 Woodland Road, Sterling, VA 20166. Please reference OMB Control Number 1014–0015 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Kelly Odom, Regulations and Standards Branch, by email at *Kelly.odom@bsee.gov,* or by telephone at (703) 787–1775.

SUPPLEMENTARY INFORMATION: We, the Bureau of Safety and Environmental Enforcement (BSEE), in accordance with the Paperwork Reduction Act of 1995, provide the general public and other Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of BSEE; (2) Will this information be processed and used in a timely manner; (3) Is the estimate of burden accurate; (4) How might BSEE enhance the quality, utility, and clarity of the information to be collected; and (5) How might BSEE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Title of Collection: 30 CFR part 250, subpart M, *Unitization.*

OMB Control Number: 1014–0015.

Form Number: None.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Potential respondents comprise Federal OCS oil, gas, and sulfur lessees/operators and holders of pipeline rights-of-way.

Estimated Reporting and Recordkeeping Hour Burden: The currently approved annual reporting burdens for this collection are 5,772 hours and $138,188 non-hour cost burdens. The following chart details the individual components and respective hour and non-hour cost burden estimates of this ICR. In calculating the burdens, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

BURDEN BREAKDOWN

Citation 30 CFR 250 subpart M	Recordkeeping and reporting requirement	Hour burden	Average number annual responses	Annual burden hours
		Non-Hour Cost Burdens *		
1301	Description of requirements	Burden included in the following sections		0
1301(d), (f)(3),(g)(1), (g)(2)(ii).	Request suspension of production or operations	Burden covered under Subpart A [1014–0022].		0
1302(b)	Request preliminary determination on competitive reservoir.	116	1 request	116
1304(b)	Request compulsory unitization, including submitting unit agreement, unit operating agreement, initial plan of operation, obtain approval of Regional Supervisor if required, and supporting data; serving non-consenting lessees with documents.	234	1 request	234
1304(d)	Request hearing on required unitization	1	1 request	1
1302(b)	Submit concurrence or objection on competitiveness with supporting evidence.	47	1 request	47
1302(c), (d)	Submit joint plan of operations, supplemental plans, or a separate plan if agreement cannot be reached.	68	1 plan	68
1303; 1304	*Submit revisions or modifications to unit agreement, unit operating agreement, plan of operation, change of unit operator, etc.	15	41 revs/mods	615
		$896 fees × 41 revisions/modifications = $36,736		
1303; 1304	*Submit initial, and revisions to, participating area	76	9 submissions	684
1304(d)	Submit statement at hearing on compulsory unitization.	5	1 statement	5
1304(e)	Pay for and submit three copies of verbatim transcript of hearing.	1	1 submission	1
		Court reporter and 3 transcript copies for 1 hearing = $500		
1303	Apply for voluntary unitization, including submitting unit agreement, unit operating agreement, initial plan of operation, obtain approval of Regional Supervisor if required, and supporting data; request for variance from model agreement and other related requirements.	500	8 apps/plans	4,000
		$12,619 fee × 8 applications/plans = $100,952		
1304(f)	Appeal final order of compulsory unitization	Exempt as defined in 5 CFR 1320.4(a)(2), (c)		0
1300–1304	General departure and alternative compliance requests not specifically covered elsewhere in subpart M regulations.	1	1 request	1
Total Burden			66 Responses	5,772 Hours
			$138,188 Non-Hour Cost Burdens	

* These requirements are specified in each Unit Agreement.

Respondent's Obligation: Most responses are mandatory, while others are required to obtain or retain benefits.

Frequency of Collection: The frequency of reporting is on occasion.

Total Estimated Annual Non-hour Burden Cost: We have identified three non-hour cost burdens associated with this information collection. Section 250.1303 requires respondents to pay filing fees when (1) applying for a voluntary unitization proposal or unit expansion ($12,619), as well as a (2) unitization revision ($896). The filing fees are required to recover the Federal Government's processing costs. Section 250.1304(d) provides an opportunity for parties notified of compulsory unitization to request a hearing; therefore, § 250.1304(e) requires the party seeking the compulsory unitization to (3) pay for the court reporter and three copies of the verbatim transcript of the hearing

(approximately $500); for a total of $138,188. We have not identified any other non-hour cost burdens associated with this collection of information.

Abstract: This notice concerns the paperwork requirements of 30 CFR 250, Subpart M, Unitization, and related documents. The BSEE must approve any lessee's proposal to enter an agreement to unitize operations under two or more leases and for modifications when warranted. We use the information to ensure that operations under the proposed unit agreement will result in preventing waste, conserving natural resources, and protecting correlative rights including the government's interests.

The authorities for this action are the Outer Continental Shelf Lands Act (OCSLA, 43 U.S.C. 1334), the Federal Oil and Gas Royalty Management Act (FOGRMA, 30 U.S.C. 1751), the Independent Offices Appropriations Act (IOAA, 31 U.S.C. 9701), and the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*).

Dated: July 21, 2017.

Doug Morris,

Chief, Office of Offshore Regulatory Programs.

[FR Doc. 2017–18264 Filed 8–28–17; 8:45 am]

BILLING CODE 4310–VH–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–891 (Third Review)]

Foundry Coke From China: Notice of Commission Determination To Conduct a Full Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with a full review pursuant to the Tariff Act of 1930 to determine whether revocation of the antidumping duty order on foundry coke from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the review will be established and announced at a later date.

DATES: August 4, 2017.

FOR FURTHER INFORMATION CONTACT: Abu B. Kanu (202–205–2597), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On August 4, 2017, the Commission determined that it would proceed to a full review in the subject five-year review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). In response to the Commission's notice of institution (82 FR 20381, May 1, 2017), the Commission found that the domestic interested party group response was adequate and the respondent interested party group response was inadequate. The Commission also found that other circumstances warranted conducting a full review.[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: August 23, 2017.

Katherine M. Hiner,

Supervisory Attorney.

[FR Doc. 2017–18227 Filed 8–28–17; 8:45 am]

BILLING CODE 7020–02–P

[1] Vice Chairman Johanson and Commissioner Broadbent voted to conduct a full review of the order. Chairman Schmidtlein and Commissioner Williamson voted to conduct an expedited review of the order.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Fresenius Kabi USA, LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before September 28, 2017. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before September 28, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on June 5, 2017, Fresenius Kabi USA, LLC, 3159 Staley Road, Grand Island, New York 14072 applied to be registered as an importer of remifentanil (9739), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance for product development and preparation of stability batches.

Dated: August 21, 2017.

Demetra Ashley,

Acting Assistant Administrator.

[FR Doc. 2017–18312 Filed 8–28–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Cody Laboratories, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before October 30, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on June 12, 2017, Cody Laboratories, Inc., Steve Hartman, VP Compliance, 601 Yellowstone Avenue, Cody, Wyoming 82414 applied to be registered as a bulk manufacturer the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Dihydromorphine	9145	I
Amphetamine	1100	II
Methamphetamine	1105	II
Lisdexamfetamine	1205	II
Methylphenidate	1724	II
Amobarbital	2125	II
Pentobarbital	2270	II
Secobarbital	2315	II
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Cocaine	9041	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Diphenoxylate	9170	II
Ecgonine	9180	II
Hydrocodone	9193	II
Meperidine	9230	II
Methadone	9250	II
Methadone intermediate	9254	II
Morphine	9300	II
Thebaine	9333	II
Oxymorphone	9652	II
Alfentanil	9737	II
Remifentanil	9739	II
Sufentanil	9740	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to manufacture the listed controlled substances in bulk for distribution to its customers.

Dated: August 21, 2017.

Demetra Ashley,

Acting Assistant Administrator.

[FR Doc. 2017–18316 Filed 8–28–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Stepan Company

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before September 28, 2017. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before September 28, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearing on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with

respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on January 18, 2017, Stepan Company, Natural Products Dept., 100 W. Hunter Avenue, Maywood, New Jersey 07607 applied to be registered as an importer of coca leaves (9040), a basic class of controlled substance listed in schedule II.

The company plans to import the listed controlled substance in bulk for the manufacture of controlled substance for distribution to its customers.

Dated: August 21, 2017.

Demetra Ashley,

Acting Assistant Administrator.

[FR Doc. 2017–18313 Filed 8–28–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Cambrex Charles City

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.34(a) on or before September 28, 2017. Such persons may also file a written request for a hearing on the application pursuant to 21 CFR 1301.43 on or before September 28, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and request for hearing on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Office of Diversion Control (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on June 12, 2017, Cambrex Charles City, 1205 11th Street, Charles City, Iowa 50616 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II
Phenylacetone	8501	II
Coca Leaves	9040	II
Opium, raw	9600	II
Poppy Straw Concentrate	9670	II

The company plans to import the listed controlled substances for internal use, and to manufacture bulk intermediates for sale to its customers.

Dated: August 21, 2017.

Demetra Ashley,

Acting Assistant Administrator.

[FR Doc. 2017–18314 Filed 8–28–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Noramco, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration in accordance with 21 CFR 1301.33(a) on or before October 30, 2017.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on July 6, 2017, Noramco, Inc., 500 Swedes Landing Road, Wilmington, Delaware 19801–4417 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Codeine-N-oxide	9053	I
Dihydromorphine	9145	I
Hydromorphinol	9301	I

Controlled substance	Drug code	Schedule
Morphine-N-oxide	9307	I
Amphetamine	1100	II
Methylphenidate	1724	II
Nabilone	7379	II
Phenylacetone	8501	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Opium extracts	9610	II
Opium fluid extract	9620	II
Opium tincture	9630	II
Opium, powdered	9639	II
Opium, granulated	9640	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Tapentadol	9780	II

The company plans to manufacture the above-listed controlled substances in bulk for distribution to its customers. In reference to drug code 7360, the company plans to manufacture a synthetic version of cannabidiol in bulk for sale to its customers, who are final dosage form manufacturers. No other activity for this drug code is authorized for this registration.

Dated: August 21, 2017.

Demetra Ashley,

Acting Assistant Administrator.

[FR Doc. 2017–18315 Filed 8–28–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1125–0005]

Agency Information Collection Activities; Proposed Collection; Comments Requested; Request To Be Included on the List of Pro Bono Legal Service Providers for Individuals in Immigration Proceedings (Form EOIR–56)

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: 30-day Notice.

SUMMARY: The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** on June 26, 2017, allowing for a 60-day comment period.

DATES: Comments are encouraged and will be accepted for additional days until September 28, 2017.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Jean King, General Counsel, USDOJ–EOIR–OGC, Suite 2600, 5107 Leesburg Pike, Falls Church, Virginia, 20530; telephone: (703) 305–0470. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and/or

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

1 *Type of Information Collection:* Revision of a currently approved collection.

2 *The Title of the Form/Collection:* Request to be Included on the List of Pro Bono Legal Service Providers for Individuals in Immigration Proceedings.

3 *The agency form number:* EOIR–56 (OMB #1125–0015).

4 *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Legal service providers seeking to be included on the List of Pro Bono Legal Service Providers (''List''), a list of persons who have indicated their availability to represent aliens on a pro bono basis. Abstract: EOIR seeks to replace the current paper version of the EOIR Forms-56, with an electronic system to make an initial application and apply for continued participation in the List. Form EOIR–56 will be mandatory, and is intended to elicit, in a uniform manner, all of the required information for EOIR to determine whether an applicant meets the eligibility requirements for inclusion on the List.

5 *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 161 respondents will complete each form within approximately 30 minutes.

6 *An estimate of the total public burden (in hours) associated with the collection:* 80.5 annual burden hours.

If additional information is required contact: Jake Bishop-Green, Acting Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: August 24, 2017.

Jake Bishop-Green,

Acting Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–18287 Filed 8–28–17; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0220]

Agency Information Collection Activities; Proposed New e-Collection; Bureau of Justice Assistance Application Form: Public Safety Officers' Benefits (PSOB) Program Applications Package

AGENCY: Bureau of Justice Assistance, Department of Justice.

ACTION: 30-day notice.

SUMMARY: The Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, will be submitting the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 30 days until September 28, 2017.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the

proposed information collection instrument with instructions or additional information, please contact Michelle Martin, Senior Management Analyst, Bureau of Justice Assistance, 810 Seventh Street NW., Washington, DC 20531 (phone: 202 514–9354). Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Assistance, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Substantive change to a currently approved collection.

2. *The Title of the Form/Collection:* Public Safety Officers' Benefits (PSOB) Program Applications Package (including currently approved collections: Public Safety Officers' Death Benefits Applications (1121–0024 and 1121–0025), Public Safety Officers' Disability Benefits Application (1121–0166), Public Safety Officers' Educational Assistance Application (1121–0220), and a new form titled: Public Safety Officers' Appeal Request Application.)

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. The applicable component within the Department of Justice is the Bureau of Justice Assistance, in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Public Safety Officers who were permanently and totally disabled in the line of duty; eligible survivors of Public Safety Officers who were killed in the line of duty; eligible spouses and children who receive PSOB death benefits, or whose spouse or parent received the PSOB disability benefit.

Abstract: BJA's Public Safety Officers' Benefits (PSOB) Office will use the Public Safety Officers' Benefits Program Applications Package (including: The Public Safety Officers' Death Benefits Application, the Public Safety Officers' Disability Benefits Application, the Public Safety Officers' Educational Assistance Application, the Public Safety Officers' Appeal Request Application) to collect and confirm the following:

• *Public Safety Officer Death Benefits Application:* BJA's Public Safety Officers' Benefits (PSOB) Office will use the Public Safety Officer Death Benefits Application information to confirm the eligibility of applicants to receive Public Safety Officers' Death Benefits. Eligibility is dependent on several factors, including Public Safety Officer status, an injury sustained in the line of duty, and the claimant status in the beneficiary hierarchy according to the PSOB Act. In addition, information to help the PSOB Office identify an individual is collected, such as a Social Security number for the Public Safety Officer, telephone numbers, and email addresses. *Public Safety Officer Disability Benefits Application:* BJA's Public Safety Officers' Benefits (PSOB) Office will use the PSOB Disability Application information to confirm the eligibility of applicants to receive Public Safety Officers' Disability Benefits. Eligibility is dependent on several factors, including Public Safety Officer status, injury sustained in the line of duty, and the total and permanent nature of the line of duty injury. In addition, information to help the PSOB Office identify individuals is collected, such as Social Security number for the Public Safety Officer, telephone numbers, and email addresses.

• *Public Safety Officer Educational Assistance Application:* BJA's Public Safety Officers' Benefits (PSOB) Office will use the Public Safety Officer Educational Assistance Application information to confirm the eligibility of applicants to receive Public Safety Officer Educational Assistance benefits. Eligibility is dependent on several factors, including the applicant having received or being eligible to receive a portion of the PSOB Death Benefit, or having a spouse or parent who received the PSOB Disability Benefit. Also considered are the applicant's age and the schools being attended. In addition, information to help BJA identify an individual is collected, such as contact numbers and email addresses.

• *Public Safety Officer Appeal Request Application:* BJA's Public Safety Officers' Benefits (PSOB) Office will use the Public Safety Officer Appeal Request Application information to confirm the eligibility of applicants who wish to appeal a previous Public Safety Officers' Death and Disability Benefit determination. Changes to the report form have been made in an effort to streamline the application process and eliminate requests for information that are either irrelevant or already being collected by other means.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

• *Public Safety Officer Death Benefits Application:* An estimate of the total number of respondents and the amount of time needed for an average respondent to respond is as follows: It is estimated that no more than 350 respondents will apply a year. Each application takes approximately 360 minutes to complete.

• *Public Safety Officer Disability Benefits Application:* An estimate of the total number of respondents and the amount of time needed for an average respondent to respond is as follows: It is estimated that no more than 100 respondents will apply a year. Each application takes approximately 300 minutes to complete.

• *Public Safety Officer Educational Assistance Application:* It is estimated that no more than 200 respondents will apply a year. Each application takes approximately 30 minutes to complete.

• *Public Safety Officer Appeal Request Application:* It is estimated that no more than 75 respondents will apply a year. Each application takes approximately 30 minutes to complete.

6. *An estimate of the total public burden (in hours) associated with the collection:*

• *Public Safety Officer Death Benefits Application:* An estimate of the total public burden (in hours) associated with the collection: Total Annual Reporting Burden: 350 × 360 minutes per application = 126,000 minutes/by 60 minutes per hour = 2,100 hours

• *Public Safety Officer Disability Benefits Application:* An estimate of the total public burden (in hours) associated

with the collection: Total Annual Reporting Burden: 100 × 300 minutes per application = 30,000 minutes/by 60 minutes per hour = 500 hours.

• *Public Safety Officer Educational Assistance Application:* The estimated public burden associated with this collection is 100 hours. It is estimated that respondents will take 30 minutes to complete an application. The burden hours for collecting respondent data sum to 100 hours (200 respondents × 0.5 hours = 100 hours).

• *Public Safety Officer Appeal Request Application:* An estimate of the total public burden (in hours) associated with the collection: Total Annual Reporting Burden: 75 × 30 minutes per application = 2,250 minutes/by 60 minutes per hour = 37.5 hours.

If additional information is required contact: Jake Bishop-Green, Acting Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: August 24, 2017.

Jake Bishop-Green,

Acting Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–18288 Filed 8–28–17; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Longshore and Harbor Workers' Compensation Act Pre-Hearing Statement

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) titled, ''Longshore and Harbor Workers' Compensation Act Pre-Hearing Statement,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before September 28, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201703-1240-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Longshore and Harbor Workers' Compensation Act (LHWCA) Pre-Hearing Statement information collection. Regulations 20 CFR 702.317 provides for the referral of claims under the LHWCA for formal hearings. The Pre-Hearing Statement, Form LS–18, is used to refer cases to the Office of Administrative Law Judges for formal hearing under the LHWCA. LHWCA section 39(a) authorizes this information collection. *See* 33 U.S.C. 939(a).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0036.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on March 28, 2017 (82 FR 15373).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0036. The OMB is particularly interested in comments that:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Longshore and Harbor Workers' Compensation Act Pre-Hearing Statement.

OMB Control Number: 1240–0036.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 3,513.

Total Estimated Number of Responses: 3,513.

Total Estimated Annual Time Burden: 586 hours.

Total Estimated Annual Other Costs Burden: $1,742.

Dated: August 23, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–18250 Filed 8–28–17; 8:45 am]

BILLING CODE 4510–CF–P

NATIONAL CREDIT UNION ADMINISTRATION

Submission for OMB Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice.

SUMMARY: The National Credit Union Administration (NCUA) will be submitting the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before September 28, 2017 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for NCUA, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) NCUA PRA Clearance Officer, 1775 Duke Street, Alexandria, VA 22314, Suite 5067, or email at *PRAComments@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by emailing *PRAComments@ncua.gov* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0189.

Title: Contractor Budget and Representations and Certifications.

Forms: NCUA 3249a; NCUA 3249b.

Abstract: Standardized information from prospective outside counsel is essential to the NCUA in carrying out its responsibility as regulator, conservator, and liquidating agent for federally insured credit unions. The information will enable the NCUA to further standardize the data it uses to select outside counsel, consider additional criteria in making its selections, and improve efficiency and recordkeeping related to its selection process.

Type of Review: Extension of a currently approved collection.

Affected Public: Private Sector: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 200.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on August 23, 2017.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2017–18247 Filed 8–28–17; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on September 7, 2017, 11545 Rockville Pike, Room T–2B3, Rockville, Maryland 20852.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, September 7, 2017—12:00 p.m. Until 1:00 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Quynh Nguyen (Telephone 301–415–5844 or Email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016, (81 FR 71543).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland 20852. After registering with Security, please contact Mr. Theron Brown at 240–888–9835 to be escorted to the meeting room.

Dated: August 23, 2017.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2017–18278 Filed 8–28–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–348, 50–364; NRC–2017–0184]

Southern Nuclear Company, Inc.; Joseph M. Farley Nuclear Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to comment, request a hearing, and petition for leave to intervene; order imposing procedures.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Renewed Facility Operating License Nos. NPF–2 and NPF–8, held by Southern Nuclear Company, Inc. (SNC, the licensee), for the operation of Joseph M. Farley Nuclear Plant (Farley), Units 1 and 2, respectively, located in Houston County, Alabama. The proposed amendment would revise the implementation date to transition to National Fire Protection Association (NFPA) 805 from November 6, 2017, to the conclusion of the 1R28 spring 2018, refueling outage. The NRC proposes to determine that the license amendment request involves no significant hazards consideration. Because the amendment request contains sensitive unclassified non-safeguards information (SUNSI), an order imposes procedures to obtain access to SUNSI for contention preparation.

DATES: Submit comments by September 28, 2017. Requests for a hearing or petition for leave to intervene must be filed by October 30, 2017. Any potential party as defined in § 2.4 of title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must request document access by September 8, 2017.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0184. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: TWFN–8–D36M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Shawn A. Williams, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1009; email: *Shawn.Williams@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0184 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0184.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The licensee's application dated August 11, 2017, ''NFPA–805 Transition Due Date Extension'' is available in ADAMS under Accession No. ML17226A291.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please refer to Docket ID NRC–2017–0184 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Introduction

The NRC is considering issuance of amendment to Renewed Facility Operating License Nos. NPF–2 and NPF–8, held by SNC for the operation of Farley, Units 1 and 2, respectively, located in Houston County, Alabama. The proposed amendment would revise the implementation date to transition to NFPA 805 and reach full compliance with 10 CFR 50.48(c) from November 6, 2017, to the conclusion of the Farley 1R28 spring 2018, refueling outage. Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment revises the Joseph M. Farley (FNP) Units 1 and 2 facility operating licenses (FOLs), Appendix C, to require Southern Nuclear Operating Company (SNC) to implement modification Item 11 to its facility as described in Attachment S, Table S–2 ''Modifications and Implementation Items,'' ''Plant Modifications Committed,'' of SNC dated April 25, 2016 (SNC letter NL–15–2310), by the conclusion of the 1 R28 spring 2018 refueling outage instead of by November 6, 2017. All other FOL requirements remain unchanged.

The proposed change does not adversely affect accident initiators or precursors nor alter the design assumptions, conditions, and configuration of the facility or the manner in which the plant is operated and maintained. The proposed changes do not adversely affect the ability of structures, systems and components (SSCs) to perform their intended safety function to mitigate the consequences of an initiating event within the assumed acceptance limits. The proposed change does not increase the probability or consequence of an accident as verified by the risk analysis performed.

Therefore, this proposed change does not involve a significant increase in the probability or consequences of an accident previously identified.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed amendment revises the FNP Units 1 and 2 FOLs, Appendix C, to require SNC to implement modification Item 11 to its facility as described in Attachment S, Table S–2, of SNC dated April 25, 2016 (SNC letter NL–15–2310), by the conclusion of the 1 R28 spring 2018 refueling outage instead of by November 6, 2017. All other FOL requirements remain unchanged.

This change is administrative in nature and therefore does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment revises the FNP Units 1 and 2 FOLs, Appendix C, to require SNC to implement modification Item 11 to its facility as described in Attachment S, Table S–2, of SNC dated April 25, 2016 (SNC letter NL–15–2310), by the conclusion of the 1 R28 spring 2018 refueling outage instead of by November 6, 2017. All other FOL requirements remain unchanged.

The proposed change is administrative in nature and hence does not increase the probability or consequence of an accident

and does not reduce the margin of safety as verified by the risk analysis performed.

Therefore, this proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The NRC is seeking public comments on the proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person

making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated August 11, 2017.

Attorney for licensee: Jennifer M. Buettner, Associate General Counsel, Southern Nuclear Operating Company, 40 Inverness Center Parkway, Birmingham, AL 35201.

NRC Branch Chief: Michael T. Markley.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

Southern Nuclear Company, Inc., Docket Nos. 50–348 and 364; Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing Sensitive Unclassified Non-Safeguards Information (SUNSI).

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request access to SUNSI. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after receipt of (or access to) that information. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and requisite need, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

(3) Further appeals of decisions under this paragraph must be made pursuant to 10 CFR 2.311.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed within 5 days of the notification by the NRC staff of its grant of access and must be filed with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an Administrative Law Judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) if another officer has been designated to rule on information access issues, with that officer.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. The attachment to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

[3] Requesters should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562; August 3, 2012) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 23rd day of August 2017.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

ATTACHMENT 1—GENERAL TARGET SCHEDULE FOR PROCESSING AND RESOLVING REQUESTS FOR ACCESS TO SENSITIVE UNCLASSIFIED NON-SAFEGUARDS INFORMATION IN THIS PROCEEDING

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: Supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no ''need'' or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds ''need'' for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of opportunity to request a hearing and petition for leave to intervene), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2017–18224 Filed 8–28–17; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0182]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued, and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued, from August 1 to August 14, 2017. The last biweekly notice was published on August 15, 2017.

DATES: Comments must be filed by September 28, 2017. A request for a hearing must be filed by October 30, 2017.

ADDRESSES: You may submit comments by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0182. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: TWFN–8–D36M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Janet Burkhardt, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–1384, email: *Janet.Burkhardt@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0182, facility name, unit numbers, plant

docket number, application date, and subject when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0182.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2017–0182, facility name, unit numbers, plant docket number, application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in § 50.92 of title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner; (2) the nature of the petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions which the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements at 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity

to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the ''Electronic Submissions (E-Filing)'' section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2) a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC's Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public Web site at *http://www.nrc.gov/site-help/electronic-sub-ref-mat.html.* A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper

filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *https://adams.nrc.gov/ehd,* unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2 (CNS), York County, South Carolina

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station, Units 1 and 2 (MNS), Mecklenburg County, North Carolina

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3 (ONS), Oconee County, South Carolina

Duke Energy Progress, LLC, Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1 (HNP), Wake County, North Carolina

Duke Energy Progress, LLC, Docket No. 50–261, H. B. Robinson Steam Electric Plant, Unit No. 2 (RNP), Darlington County, South Carolina

Date of amendment request: July 18, 2017. A publicly-available version is in ADAMS under Accession No. ML17199F771.

Description of amendment request: The amendments would revise the technical specifications (TSs) based on Technical Specification Task Force (TSTF) Traveler TSTF–529, Revision 4, ''Clarify Use and Application Rules'' (ADAMS Accession No. ML16062A271). The changes would revise and clarify the TS usage rules for completion times, limiting conditions for operation (LCOs), and surveillance requirements (SRs).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes to CNS, MNS, ONS, and RNP [TS] Section 1.3, and CNS, MNS, and RNP LCO 3.0.4 have no effect on the requirement for systems to be Operable and have no effect on the application of TS actions. The proposed change to CNS, MNS, ONS, and RNP SR 3.0.3 (TS 4.0.3 for HNP) states that the allowance may only be used when there is a reasonable expectation the surveillance will be met when performed. Since the proposed changes do not significantly affect system Operability, the proposed change will have no significant effect on the initiating events for accidents previously evaluated and will have no significant effect on the ability of the systems to mitigate accidents previously evaluated.

Therefore, it is concluded that this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to the TS usage rules does not affect the design or function of any plant systems. The proposed change does not change the Operability requirements for plant systems or the actions taken when plant systems are not operable.

Therefore, it is concluded that this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change clarifies the application of TS 1.3 and LCO 3.0.4 and does not result in changes in plant operation. SR 3.0.3 (TS 4.0.3 for HNP) is revised to allow application of SR 3.0.3 when an SR has not been previously performed, if there is reasonable expectation that the SR will be met when performed. This expands the use of SR 3.0.3 (TS 4.0.3 for HNP) while ensuring the affected system is capable of performing its safety function. As a result, plant safety is either improved or unaffected.

Therefore, it is concluded that this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Kathryn B. Nolan, Deputy General Counsel, Duke Energy Corporation, 550 South Tryon Street, Mail Code DEC45A, Charlotte, NC 28202.

NRC Branch Chief: Undine Shoop.

Duke Energy Progress, LLC, Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1 (HNP), Wake and Chatham Counties, North Carolina

Date of amendment request: May 22, 2017. A publicly-available version is in ADAMS under Accession No. ML17142A411.

Description of amendment request: The amendment would revise HNP dose consequences for the facility, as described in the HNP Final Safety Analysis Report, to provide gap release fractions for high-burnup fuel rods that exceed the 6.3 kilowatt per foot (kW/ft) linear heat generation rate limit detailed in Table 3 of Regulatory Guide (RG)

1.183, Alternative Radiological Source Terms for Evaluating Design Basis Accidents at Nuclear Power Reactors.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed change involves using gap release fractions for high-burnup fuel rods (*i.e.,* greater than 54 GWD/MTU [gigawatt days per metric ton unit]) that exceed the 6.3 kW/ft linear heat generation rate (LHGR) limit detailed in Table 3, Footnote 11 of RG 1.183. Increased gap release fractions were determined and accounted for in the dose analysis for HNP. The dose consequences reported in the Final Safety Analysis Report (FSAR) were reanalyzed for fuel handling accidents only. Dose consequences were not reanalyzed for other non-fuel-handling accidents since no fuel rod that is predicted to enter departure from nucleate boiling (DNB) will be permitted to operate beyond the limits of RG 1.183, Table 3, Footnote 11. The current NRC requirements, as described in 10 CFR 50.67, specifies dose acceptance criteria in terms of Total Effective Dose Equivalent (TEDE). The revised dose consequence analyses for the fuel handling events at HNP meet the applicable TEDE dose acceptance criteria (specified also in RG 1.183). A slight increase in dose consequences is exhibited. However, the increase is not significant and the new TEDE results are below regulatory acceptance criteria.

The changes proposed do not affect the precursors for fuel handling accidents analyzed in Chapter 15 of the HNP FSAR. The probability remains unchanged since the accident analyses performed and discussed in the basis for the FSAR changes involve no change to a system, structure or component that affects initiating events for any FSAR Chapter 15 accident evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

The proposed change involves using gap release fractions for high-burnup fuel rods (*i.e.,* greater than 54 GWD/MTU) that exceed the 6.3 kW/ft LHGR limit detailed in Table 3, Footnote 11 of RG 1.183. Increased gap release fractions were determined and accounted for in the dose analysis for HNP. The dose consequences reported in HNP's FSAR were reanalyzed for fuel handling accidents only. Dose consequences were not reanalyzed for other non-fuel-handling accidents since no fuel rod that is predicted to enter departure from nucleate boiling (DNB), will be permitted to operate beyond the limits of RG 1.183, Table 3, Footnote 11.

The proposed change does not involve the addition or modification of any plant equipment. The proposed change has the potential to affect future core designs for HNP. However, the impact will not be beyond the standard function capabilities of the equipment. The proposed change involves using gap release fractions that would allow high-burnup fuel rods (*i.e.,* greater than 54 GWD/MTU) to exceed the 6.3 kW/ft LHGR limit detailed in Table 3, Footnote 11 of RG 1.183. Accounting for these new gap release fractions in the dose analysis for HNP does not create the possibility of a new accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

The proposed change involves using gap release fractions for high-burnup fuel rods (*i.e.,* greater than 54 GWD/MTU) that exceed the 6.3 kW/ft LHGR limit detailed in Table 3, Footnote 11 of RG 1.183. Increased gap release fractions were determined and accounted for in the dose analysis for HNP. The dose consequences reported in HNP's FSAR were reanalyzed for fuel handling accidents only. Dose consequences were not reanalyzed for other non-fuel-handling accidents since no fuel rod that is predicted to enter departure from nucleate boiling (DNB) will be permitted to operate beyond the limits of RG 1.183, Table 3, Footnote 11.

The proposed change has the potential for an increased postulated accident dose at HNP. However, the analysis demonstrates that the resultant doses are within the appropriate acceptance criteria. The margin of safety, as defined by 10 CFR 50.67 and Regulatory Guide 1.183, has been maintained. Furthermore, the assumptions and input used in the gap release and dose consequences calculations are conservative. These conservative assumptions ensure that the radiation doses calculated pursuant to Regulatory Guide 1.183 and cited in this LAR [license amendment request] are the upper bounds to radiological consequences of the fuel handling accidents analyzed. The analysis shows that with increased gap release fractions accounted for in the dose consequences calculations there is margin between the offsite radiation doses calculated and the dose limits of 10 CFR 50.67 and acceptance criteria of Regulatory Guide 1.183. The proposed change will not degrade the plant protective boundaries, will not cause a release of fission products to the public, and will not degrade the performance of any structures, systems or components important to safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lara Nichols, Deputy General Counsel, Duke Energy Corporation, 550 South Tryon St., M/C DEC45A, Charlotte, NC 28202.

NRC Branch Chief: Undine S. Shoop.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois and Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Date of amendment request: June 30, 2017. A publicly-available version is in ADAMS under Accession No. ML17181A276.

Description of amendment request: The amendments would revise Technical Specification (TS) 3.7.11, ''Control Room Ventilation (VC) Temperature Control System,'' to modify the TS Actions for two inoperable VC temperature control system trains.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The VC Temperature Control System is not an initiator of any accident previously evaluated. As a result, the probability of an accident previously evaluated is not increased. The consequences of an accident during the proposed 24 hour Completion Time are no different than the consequences of an accident in Modes 1, 2, 3, and 4 during the existing 1 hour Completion Time provided in LCO [limiting condition for operation] 3.0.3 to prepare for a shutdown. The only accident previously evaluated in Modes 5 or 6 is a fuel handling accident. The accident evaluation does not assume a loss of offsite electrical power or additional failures, and the mitigating actions to maintain control room temperature less than or equal to 80 °F [degree Fahrenheit] will still be available should a fuel handling accident occur. As a result, providing 24 hours to restore one train of control room cooling does not significantly increase the consequences of a fuel handling accident over the current requirement.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

All plant equipment controlled from the control room and operator response actions in response to a design basis accident will be

maintained as currently designed and applied. No new equipment or operator responses are required in response to a design basis accident as part of this proposed change. The proposed change will not alter the design or function of the control room or the VC Temperature Control System. Should the new Required Actions not be met, the existing and proposed Required Actions require preparation for an orderly plant shutdown, or suspension of positive reactivity additions and suspension of movement of irradiated fuel assemblies, as applicable based on the mode of applicability.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change provides a limited period of time to restore an inoperable VC Temperature Control System train instead of interrupting plant operations, possibly requiring an orderly plant shutdown of both units, or suspension of movement of irradiated fuel assemblies and suspension of positive reactivity additions. A plant disruption or transient may be avoided with mitigating actions taken and the control room area temperature maintained. The potential to avoid a plant transient in conjunction with maintaining the control room temperature offsets any risk associated with the limited Completion Time. The proposed change does not impact a design basis, TS Limiting Condition for Operation, limiting safety system setting, or safety limit specified in TSs.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Nuclear, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: David J. Wrona.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois and Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Date of amendment request: June 30, 2017. A publicly-available version is in ADAMS under Accession No. ML17187A191.

Description of amendment request: The amendments would revise Technical Specification (TS) 3.1.4, ''Rod Group Alignment Limits''; TS 3.1.5, ''Shutdown Bank Insertion Limits''; TS 3.1.6, ''Control Bank Insertion Limits''; and TS 3.1.7, ''Rod Position Indication.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

Control and shutdown rods are assumed to insert into the core to shut down the reactor in evaluated accidents. Rod insertion limits ensure that adequate negative reactivity is available to provide the assumed shutdown margin (SDM). Rod alignment and overlap limits maintain an appropriate power distribution and reactivity insertion profile.

Control and shutdown rods are initiators to several accidents previously evaluated, such as rod ejection. The proposed changes do not change the limiting conditions for operation pertaining to the rods or make any technical changes to the Surveillance Requirements (SRs) governing the rods.

Therefore, the proposed change has no significant effect on the probability of any accident previously evaluated.

Revising the TS Actions to provide a limited time to repair rod movement control has no effect on the SDM assumed in the accident analysis as the proposed Actions require verification that SDM is maintained. The effects on power distribution will not cause a significant increase in the consequences of any accident previously evaluated as all TS requirements on power distribution continue to be applicable.

Revising the TS Actions to provide an alternative to frequent use of the moveable incore detector system or the Power Distribution Monitoring System to verify the position of rods with inoperable rod position indicator does not change the requirement for the rods to be aligned and within the insertion limits.

Therefore, the assumptions used in any accidents previously evaluated are unchanged and there is no significant increase in the consequences.

The proposed change resolves conflicts within the TS to ensure that the intended Actions are followed when equipment is inoperable. Actions taken for inoperable equipment are not assumptions in the accidents previously evaluated and have no significant effect on the accident consequences.

The proposed change to increase consistency within the TS has no effect on the consequences of accidents previously evaluated as the proposed change clarifies the application of the existing requirements and does not change the intent.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The change does not alter the assumptions made in the safety analyses. The proposed change does not alter the limiting conditions for operation pertaining to the rods or make any technical changes to the SRs governing the rods. The proposed change to the TS Required Actions maintains safety when equipment is inoperable and does not introduce any new failure modes.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change to provide sufficient time to repair rods that are Operable but immovable does not result in a significant reduction in the margin of safety because all rods must be verified to be Operable, and all other rod banks must be within the insertion limits. The remaining proposed changes to make the requirements internally consistent do not affect the margin of safety as the changes do not affect the ability of the rods to perform their specified safety function.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Tamra Domeyer, Associate General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: David J. Wrona.

Florida Power & Light Company, Docket Nos. 50–250 and 251, Turkey Point Nuclear Generating Unit Nos. 3 and 4, Miami-Dade County, Florida

Date of application for amendment: June 28, 2017. A publicly-available version is in ADAMS under Accession No. ML17180A447.

Description of amendment request: The amendments would modify the Technical Specifications (TSs) by relocating to licensee-controlled documents, select acceptance criteria specified in TS surveillance requirements (SRs) credited for satisfying Inservice Testing (IST) Program and Inservice Inspection Program requirements, deleting the SRs for the American Society of Mechanical Engineers (ASME) Code Class 1, 2, and 3 components, replacing references to the Surveillance Frequency Control

Program (SFCP) with references to the Turkey Point IST Program where appropriate, establishing a Reactor Coolant Pump (RCP) Flywheel Inspection Program, and related editorial changes.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes provide added assurance that inservice testing will be performed in the manner and within the timeframes established by 10 CFR 50.55(a). The deletion of SR 4.0.5 and the deletion of IST acceptance criteria from SR 4.5.2.c and SR 4.6.2.1.b neither affects the conduct nor the periodicity of testing which demonstrates the operational readiness of safety-related pumps and valves. The addition of references to the IST Program in SR(s) where applicable and the deletion of references to the SFCP in SR testing credited by the IST Program are administrative in nature and can neither initiate nor exacerbate any accident previously evaluated. Similarly, the deletion of SR 4.0.5 and the relocation of the RCP flywheel inspection requirements within the TS are administrative changes and cannot affect the likelihood or outcome of any accident previously evaluated. Deletion of the SR 4.4.6.2.2.c requirement regarding returning Pressure Isolation Valves (PIVs) to service following maintenance, repair or replacement, deletion of a SR 4.5.1.1.d footnote previously applicable during Unit 3 Cycle 26, and related editorial changes are administrative changes in nature and do not alter any plant equipment or the results of any accident analyses.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The deletion of IST acceptance criteria from the TS does not affect the manner in which any SSC [system, structure, or component] is maintained or operated and does not introduce new SSCs or new methods for maintaining existing plant SSCs. Inservice testing will continue in the manner and periodicity specified in the IST program and hence no new or different kind of accident can result. The addition of references to the IST Program in SR(s) where applicable and the deletion of references to the SFCP in SR testing credited by the IST Program are administrative changes and cannot affect the manner in which any SSC is maintained or operated. The deletion of SR 4.0.5 and the relocation of the RCP flywheel inspection requirements within the TS are administrative changes and cannot be an initiator of a new or different kind of accident. Deletion of the SR 4.4.6.2.2.c requirement regarding returning PIV(s) to service following maintenance, repair or replacement, deletion of a SR 4.5.1.1.d footnote previously applicable during Unit 3 Cycle 26, and other editorial changes are administrative changes in nature and do not introduce any new plant equipment, failure modes or accident analyses postulated outcomes.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not involve changes to any safety analyses assumptions, safety limits, or limiting safety system settings nor do they adversely impact plant operating margins or the reliability of equipment credited in the safety analyses. The reliability of credited equipment is enhanced through added assurance that inservice inspection and inservice testing will be performed in the manner and within the timeframes established by the ASME Code requirements of 10 CFR 50.55(a)(g) and 10 CFR 50.55(a)(f), respectively. The deletion of SR 4.0.5 and the relocation of the RCP flywheel inspection requirements within the TS are administrative changes with no impact on the margin of safety currently described the Updated Final Safety Analysis Report. Deletion of the SR 4.4.6.2.2.c requirement regarding returning PIV(s) to service following maintenance, repair or replacement, deletion of a SR 4.5.1.1.d footnote previously applicable during Unit 3 Cycle 26, and other editorial changes are administrative changes in nature with no impact on nuclear safety.

Therefore, the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: William S. Blair, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Blvd. MS LAW/JB, Juno Beach, FL 33408–0420.

NRC Branch Chief: Undine Shoop.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2 (HNP), Appling County, Georgia

Date of amendment request: April 7, 2017. A publicly-available version is in ADAMS under Accession No. ML17097A322.

Description of amendment request: The amendments would revise Technical Specification (TS) 3.6.4.1, ''Secondary Containment,'' Surveillance Requirement (SR) 3.6.4.1.2 to provide an allowance for brief, inadvertent, simultaneous opening of redundant secondary containment access doors during normal entry and exit conditions.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change allows temporary conditions during which secondary containment SR 3.6.4.1.2 is not met. The secondary containment is not an initiator of any accident previously evaluated. As a result, the probability of any accident previously evaluated is not increased.

Since the access doors are only opened briefly, were an accident to occur with both doors simultaneously open, the doors would close quickly enough such that the SGTS [Standby Gas Treatment System] would not be hindered in its ability to adequately draw down the secondary containment within the time assumed in the accident analysis. The dose consequences would therefore be no worse than assumed in the current HNP accident analysis and within the federal guidelines of 10 CFR 50.67. As a result, the consequences of an accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not alter the protection system design, create new failure modes, or change any modes of operation. The proposed change does not involve a physical alteration of the plant, and no new or different kind of equipment will be installed. Consequently, there are no new initiators that could result in a new or different kind of accident.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change allows temporary conditions during which secondary containment SR 3.6.4.1.2 is not met. The allowance for both an inner and outer

secondary containment access door to be open simultaneously for entry and exit does not affect the safety function of the secondary containment as the doors are promptly closed after entry or exit, thereby restoring the secondary containment boundary. In addition, brief, inadvertent, simultaneous opening and closing of redundant secondary containment access doors during normal entry and exit conditions does not affect the ability of the Standby Gas Treatment [S]ystem to establish the required secondary containment vacuum. Therefore, the safety function of the secondary containment is not affected.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jennifer M. Buettner, Associate General Counsel, Southern Nuclear Operating Company, Inc., 40 Inverness Center Parkway, Birmingham, AL 35242.

NRC Branch Chief: Michael T. Markley.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Unit Nos. 1 and 2, Appling County, Georgia

Date of amendment request: April 20, 2017. A publicly-available version is in ADAMS under Accession No. ML17114A377.

Description of amendment request: The amendments would revise the Technical Specifications (TSs) by replacing the existing requirements related to ''operations with a potential for draining the reactor vessel'' (OPDRVs) with new requirements on Reactor Pressure Vessel Water Inventory Control (RPV WIC) to protect Safety Limit 2.1.1.3, which requires the reactor vessel water level to be greater than the top of active irradiated fuel. The proposed amendments would adopt changes, with variations, based on the NRC-approved safety evaluation for Technical Specification Task Force (TSTF) Traveler TSTF–542, Revision 2, ''Reactor Pressure Vessel Water Inventory Control,'' dated December 20, 2016 (ADAMS Accession No. ML16343B066).

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change replaces existing TS requirements related to OPDRVs with new requirements on RPV WIC that will protect Safety Limit 2.1.1.3. Draining of RPV water inventory in Mode 4 (*i.e.,* cold shutdown) and Mode 5 (*i.e.,* refueling) is not an accident previously evaluated and, therefore, replacing the existing TS controls to prevent or mitigate such an event with a new set of controls has no effect on any accident previously evaluated. RPV water inventory control in Mode 4 or Mode 5 is not an initiator of any accident previously evaluated. The existing OPDRV controls or the proposed RPV WIC controls are not mitigating actions assumed in any accident previously evaluated.

The proposed change reduces the probability of an unexpected draining event (which is not a previously evaluated accident) by imposing new requirements on the limiting time in which an unexpected draining event could result in the reactor vessel water level dropping to the top of the active fuel (TAF). These controls require cognizance of the plant configuration and control of configurations with unacceptably short drain times. These requirements reduce the probability of an unexpected draining event. The current TS requirements are only mitigating actions and impose no requirements that reduce the probability of an unexpected draining event.

The proposed change reduces the consequences of an unexpected draining event (which is not a previously evaluated accident) by requiring an Emergency Core Cooling System (ECCS) subsystem to be Operable at all times in Modes 4 and 5. The current TS requirements do not require any water injection systems, ECCS or otherwise, to be Operable in certain conditions in Mode 5. The change in requirement from two ECCS subsystems to one ECCS subsystem in Modes 4 and 5 does not significantly affect the consequences of an unexpected draining event because the proposed Actions ensure equipment is available within the limiting drain time that is as capable of mitigating the event as the current requirements. The proposed controls provide escalating compensatory measures to be established as calculated drain times decrease, such as verification of a second method of water injection and additional confirmations that containment and/or filtration would be available if needed.

The proposed change reduces or eliminates some requirements that were determined to be unnecessary to manage the consequences of an unexpected draining event, such as automatic initiation of an ECCS subsystem and control room ventilation. These changes do not affect the consequences of any accident previously evaluated since a draining event in Modes 4 and 5 is not a previously evaluated accident and the requirements are not needed to adequately respond to a draining event.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change replaces existing TS requirements related to OPDRVs with new requirements on RPV WIC that will protect Safety Limit 2.1.1.3. The proposed change will not alter the design function of the equipment involved. Under the proposed change, some systems that are currently required to be Operable during OPDRVs would be required to be available within the limiting drain time or to be in service depending on the limiting drain time. Should those systems be unable to be placed into service, the consequences are no different than if those systems were unable to perform their function under the current TS requirements.

The event of concern under the current requirements and the proposed change is an unexpected draining event. The proposed change does not create new failure mechanisms, malfunctions, or accident initiators that would cause a draining event or a new or different kind of accident not previously evaluated or included in the design and licensing bases.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change replaces existing TS requirements related to OPDRVs with new requirements on RPV WIC. The current requirements do not have a stated safety basis and no margin of safety is established in the licensing basis. The safety basis for the new requirements is to protect Safety Limit 2.1.1.3. New requirements are added to determine the limiting time in which the RPV water inventory could drain to the top of the fuel in the reactor vessel should an unexpected draining event occur. Plant configurations that could result in lowering the RPV water level to the TAF within one hour are now prohibited. New escalating compensatory measures based on the limiting drain time replace the current controls. The proposed TS establish a safety margin by providing defense-in-depth to ensure that the Safety Limit is protected and to protect the public health and safety. While some less restrictive requirements are proposed for plant configurations with long calculated drain times, the overall effect of the change is to improve plant safety and to add safety margin.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jennifer M. Buettner, Associate General Counsel, Southern Nuclear Operating Company, Inc., 40 Inverness Center Parkway, Birmingham, AL 35242.

NRC Branch Chief: Michael T. Markley.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2 (VEGP), Burke County, Georgia

Date of amendment request: June 22, 2017. A publicly-available version is in ADAMS under Accession No. ML17173A875.

Description of amendment request: The proposed amendments would incorporate use of the plant-specific seismic probabilistic risk assessment (SPRA) into the previously approved 10 CFR 50.69 risk-informed categorization process and treatment of structures, systems, and components (SSCs) for nuclear power reactors. Specifically, the amendments would change from a seismic margins approach (SMA) to an SPRA approach.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change replaces the use of the VEGP SMA with use of the peer reviewed VEGP SPRA within the NRC approved risk-informed categorization process to modify the scope of SSCs subject to NRC special treatment requirements and to implement alternative treatments per the regulations. The use of an SPRA in place of an SMA is allowed by the 50.69 process guidance defined in [Nuclear Energy Institute] NEI 00–04 [''10 CFR 50.69 SSC Categorization Guideline''] as endorsed by NRC in [Regulatory Guide] RG 1.201 [''Guidelines for Categorizing Structures, Systems, and Components in Nuclear Power Plants According to their Safety Significance.''] The process used to evaluate SSCs for changes to NRC special treatment requirements and the use of alternative requirements ensures the ability of the SSCs to perform their design function. The potential change to special treatment requirements does not change the design and operation of the SSCs. As a result, the proposed change does not significantly affect any initiators to accidents previously evaluated or the ability to mitigate any accidents previously evaluated. The consequences of the accidents previously evaluated are not affected because the mitigation functions performed by the SSCs assumed in the safety analysis are not being modified. The SSCs required to safely shut down the reactor and maintain it in a safe shutdown condition following an accident will continue to perform their design functions.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change continues to permit the use of a risk-informed categorization process to modify the scope of SSCs subject to NRC special treatment requirements and to implement alternative treatments per the regulations. The proposed change does not change the functional requirements, configuration, or method of operation of any SSC. Under the proposed change, no additional plant equipment will be installed.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change will continue to permit the use of a risk-informed categorization process to modify the scope of SSCs subject to NRC special treatment requirements and to implement alternative treatments per the regulations. The proposed change does not affect any Safety Limits or operating parameters used to establish the safety margin. The safety margins included in analyses of accidents are not affected by the proposed change. The regulation requires that there be no significant effect on plant risk due to any change to the special treatment requirements for SSCs and that the SSCs continue to be capable of performing their design basis functions, as well as to perform any beyond design basis functions consistent with the categorization process and results.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jennifer M. Buettner, Associate General Counsel, Southern Nuclear Operating Company, 40 Iverness Center Parkway, Birmingham, AL 35242.

NRC Branch Chief: Michael T. Markley.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Florida Power & Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: September 16, 2016.

Brief description of amendments: The amendments revised the St. Lucie Plant, Unit Nos. 1 and Unit 2, Technical Specifications by removing certain process radiation monitors and placing their requirements in a licensee-controlled manual. The amendments also changed the Unit 2 containment particulate radiation monitor range.

Date of issuance: August 14, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos.: 239 (Unit No. 1) and 190 (Unit No. 2). A publicly-available version is in ADAMS under Accession No. ML17195A291; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–67 and NPF–16: Amendments revised the Renewed Facility Operating Licenses and Technical Specifications.

*Date of initial notice in **Federal Register:*** December 6, 2016 (81 FR 87972).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 14, 2017.

No significant hazards consideration comments received: No.

Florida Power & Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Nuclear Generating Unit Nos. 3 and 4, Miami-Dade County, Florida

Date of amendment request: August 3, 2016, as supplemented by letters dated October 4, 2016; January 27, 2017; March 31, 2017; and May 24, 2017.

Brief description of amendments: The amendments revised the Technical Specification (TS) requirements for the Control Room Emergency Ventilation System (CREVS). The licensee proposed the changes to align the CREVS TSs more closely with the applicable Standard Technical Specifications. Consequently, the requirements to immediately suspend irradiated fuel movement were relocated, in most cases, to coincide with the commencement of unit shutdown(s) in the event that the allowable outage time cannot be met for an inoperable CREVS component or control room envelope boundary. The amendments also eliminated the TS limiting conditions for operation, actions, and surveillance requirements associated with the CREVS kitchen and lavatory ventilation exhaust duct isolation dampers.

Date of issuance: August 3, 2017.

Effective date: As of the date of issuance and shall be implemented within 90 days of issuance.

Amendment Nos: 275 (Unit No. 3) and 270 (Unit No. 4). A publicly-available version is in ADAMS under Accession No. ML17172A115. Documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–31 and DPR–41: Amendments revised the Renewed Facility Operating Licenses and TSs.

*Date of initial notice in **Federal Register:*** November 8, 2016 (81 FR 78653). The supplements dated January 27, 2017; March 31, 2017; and May 24, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 3, 2017.

No significant hazards consideration comments received: No.

Northern States Power Company—Minnesota, Docket Nos. 50–282 and 50–306, Prairie Island Nuclear Generating Plant (PINGP), Units 1 and 2, Goodhue County, Minnesota

Date of amendment request: September 28, 2012, as supplemented by letters dated November 8, 2012, December 18, 2012, May 3, 2013, October 17, 2013, April 30, 2014, May 28, 2015, June 19, 2015, October 6, 2015, October 22, 2015, January 20, 2016, May 24, 2016, August 17, 2016, December 14, 2016, and March 6, 2017.

Brief description of amendment: The amendments revised the licenses, including the Technical Specifications (TS), for PINGP, Units 1 and 2, to establish and maintain fire protection program in accordance with the requirements of 10 CFR 50.48(c).

Date of issuance: August 8, 2017.

Effective date: As of the date of issuance and shall be implemented consistent with condition 2.C.(4) of each license.

Amendment Nos.: 220-Unit 1; 207-Unit 2. A publicly-available version is in ADAMS under Accession No. ML17163A027; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. DPR–42 and DPR–60: The amendments revised the Renewed Facility Operating Licenses and TSs.

*Date of initial notice in **Federal Register:*** April 2, 2013 (78 FR 19753). The supplemental letters dated May 3, 2013, October 17, 2013, April 30, 2014, May 28, 2015, June 19, 2015, October 6, 2015, October 22, 2015, January 20, 2016, May 24, 2016, August 17, 2016, December 14, 2016, and March 6, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 8, 2017.

No significant hazards consideration comments received: No.

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: September 21, 2015, as supplemented by letters dated November 19, 2015; June 17, 2016; September 12, 2016; and September 23, 2016.

Brief description of amendment: The amendment approved changes to the Hope Creek Generating Station Technical Specifications (TSs) to reflect installation of the General Electric-Hitachi Digital Nuclear Measurement Analysis and Control Power Range Neutron Monitoring system.

Date of issuance: August 4, 2017.

Effective date: The license amendment is effective as of its date of issuance and shall be implemented prior to entry into OPCON 4 during startup from refueling outage 21.

Amendment No.: 206. A publicly-available version is in ADAMS under Accession No. ML17216A022; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–57: Amendment revised the Renewed Facility Operating License and TSs.

*Date of initial notice in **Federal Register:*** June 7, 2016 (81 FR 36607). The supplemental letters dated June 17, 2016; September 12, 2016; and September 23, 2016, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated August 4, 2017.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of application for amendments: September 13, 2012, as supplemented by letters dated August 2, 2013; July 3, July 17, November 11, and December 12, 2014; March 16 and May 5, 2015; February 17, April 18, and July 13,

2016; and March 13, April 14, May 4, and June 2, 2017.

Brief description of amendments: The amendments revised certain Technical Specification (TS) requirements related to Completion Times for Required Actions to provide the option to calculate a longer, risk-informed Completion Time. The allowance will be described in a new program, ''Risk Informed Completion Time (RICT) Program,'' that is added to TS 5.5, ''Administrative Controls.''

Date of issuance: August 8, 2017.

Effective date: As of the date of issuance and shall be implemented within 120 days from the date of issuance.

Amendment Nos.: Unit 1–188; Unit 2–171. A publicly-available version is in ADAMS under Accession No. ML15127A669. Documents related to the amendments are listed in the Safety Evaluation enclosed with the amendments.

Renewed Facility Operating License Nos. NPF–68 and NPF–81: Amendments revised the Renewed Facility Operating Licenses and TSs.

Date of initial notice in ***Federal Register:*** March 17, 2015 (80 FR 13913). The supplemental letters dated March 16 and May 5, 2015; February 17, April 18, and July 13, 2016; and March 13, April 14, May 4, and June 2, 2017, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated August 8, 2017.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Docket Nos. 52–025 and 52–026, Vogtle Electric Generating Plant (VEGP), Units 3 and 4, Burke County, Georgia

Date of amendment request: March 11, 2016, as revised by letters dated July 12, 2016, and May 5, 2017, and as supplemented by letter dated October 20, 2016.

Description of amendment: The amendment authorizes changes to the VEGP, Units 3 and 4 Updated Final Safety Analysis Report in the form of departures from the incorporated plant specific Design Control Document Tier 2* and Tier 2 information. The changes are to text and figures that describe the connections between floor modules and structural wall modules in the containment internal structures.

Date of issuance: July 20, 2017.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 82 (Unit 3) and 81 (Unit 4). A publicly-available version is in ADAMS under Accession No. ML17180A040; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Combined Licenses No. NPF–91 and NPF–92: Amendment revised the Facility Combined Licenses.

Date of initial notice in ***Federal Register:*** August 16, 2016 (81 FR 54617). The October 20, 2016, supplement and May 5, 2017, revision provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination. The Commission's related evaluation of the amendment is contained in the Safety Evaluation dated July 20, 2017.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 17th day of August 2017.

For the Nuclear Regulatory Commission.

Kathryn M. Brock,

Deputy Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–17936 Filed 8–28–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. MT2016–1; Order No. 4062]

Market Test of Experimental Product-Customized Delivery

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently-filed Postal Service Motion for Clarification of Order No. 3319, or, in the Alternative, for Extension of Market Test Time Period. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* September 25, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Background
III. Clarification
IV. Notice of Filing
V. Ordering Paragraphs

I. Introduction

On August 22, 2017, the Postal Service filed a Motion for Clarification of Order No. 3319, or, in the Alternative, for Extension of Market Test Time Period.[1] As discussed below, the Commission provides the requested clarification and treats the Motion as a request for a limited extension under 39 U.S.C. 3641(d) to satisfy 1-year agreements executed in the second year of a 2-year market test.

II. Background

On May 25, 2016, the Commission authorized the Postal Service to proceed with a 2-year market test of an experimental product identified as Global eCommerce Marketplace (GeM) Merchant.[2] GeM Merchant is an end-to-end international shipping service that allows participating domestic online merchants to offer their international customers the ability, at the time of purchase, to estimate and prepay duties and taxes that the foreign country's customs agency will assess when the item arrives in the foreign destination. Order No. 3319 at 2. The GeM Merchant market test began on June 27, 2016.[3]

III. Clarification

The Postal Service seeks clarification that Order No. 3319 permits the Postal Service to execute GeM Merchant negotiated service agreements (NSAs) with 1-year terms during the second year of the test. Motion at 1. When authorizing the market test to proceed, the Commission found that ''[t]he Postal Service's application for a limited extension to satisfy 1-year GeM Merchant NSAs executed during the second year of the market test is premature at this time.'' Order No. 3319 at 21. The Commission stated that ''[t]he Postal Service may apply for an extension . . . after the Postal Service

[1] United States Postal Service Motion for Clarification of Order No. 3319, or, in the Alternative, for Extension of Market Test Time Period, August 22, 2017 (Motion).

[2] Order Authorizing Market Test of Global eCommerce Marketplace (GeM) Merchant, May 25, 2016 (Order No. 3319).

[3] United States Postal Service Response to Order No. 3319 Concerning Effective Date of GeM Merchant Solution Market Test, June 8, 2016.

files its third quarterly data collection report, due May 10, 2017.'' *Id.* Therefore, the Commission treats the Motion as an application for a limited extension under 39 U.S.C. 3641(d) to satisfy 1-year GeM Merchant NSAs executed during the second year of the market test.

IV. Notice of Filing

The Commission reopens Docket No. MT2016–1 to consider matters raised by the Postal Service's Motion. The Commission invites comments on whether the Motion complies with applicable statutory and regulatory requirements, including 39 U.S.C. 3641, 39 CFR part 3035, and Order No. 3319. Comments are due September 25, 2017. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

39 U.S.C. 505 requires the Commission to designate an officer of the Commission to represent the interests of the general public in all public proceedings (Public Representative). The Commission previously appointed James Waclawski to serve as the Public Representative in this proceeding. He remains appointed to serve as the Public Representative.

V. Ordering Paragraphs

It is ordered:

1. The Commission reopens Docket No. MT2016–1 to consider matters raised by the Motion.
2. Pursuant to 39 U.S.C. 505, James Waclawski remains appointed to serve as the Public Representative in this proceeding.
3. Comments are due by September 25, 2017.
4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–18292 Filed 8–28–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2017–178 and CP2017–279; MC2017–179 and CP2017–280]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* August 30, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2017–178 and CP2017–279; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 343 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* August 22, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30; *Public Representative:* Matthew R. Ashford; *Comments Due:* August 30, 2017.
2. *Docket No(s).:* MC2017–179 and CP2017–280; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 344 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* August 22, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30; *Public Representative:* Matthew R. Ashford; *Comments Due:* August 30, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–18212 Filed 8–28–17; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81470; File No. SR–NYSEAMER–2017–05]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Proposed Rule Change To Amend the Complimentary Products and Services Available to Certain Eligible New Listings Pursuant to Section 146 of the NYSE American Company Guide

August 23, 2017.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act''),[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 11, 2017, NYSE American LLC (the ''Exchange'' or ''NYSE American'') filed with the Securities and Exchange Commission (the ''Commission'') the

[1] 15 U.S.C. 78s(b)(1).
[2] 15 U.S.C. 78a.
[3] 17 CFR 240.19b–4.

proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Section 146 of the NYSE American Company Guide (the ''Company Guide'') to provide that companies initially listed on or after October 1, 2017 will not be eligible to receive corporate governance tools under the Exchange's services offering. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Section 146 of the Company Guide to provide that companies initially listed on or after October 1, 2017 will not be eligible to receive corporate governance tools under the Exchange's services offering.

As set forth in Section 146, the Exchange currently provides Eligible New Listings [4] with complimentary Web-hosting products and services (with a commercial value of approximately $16,000 annually), web-casting services (with a commercial value of approximately $6,500 annually), whistleblower hotline services (with a commercial value of approximately $4,000 annually), and news distribution products and services (with a commercial value of approximately $20,000 annually) and corporate governance tools (with a commercial value of approximately $15,000 annually) for a period of 24 calendar months. The Exchange's experience has been that companies that qualify as Eligible New Listings have generally not been interested in availing themselves of the corporate governance tools available as part of the services offering. As such the Exchange has decided to discontinue the corporate governance tool portion of its service offering for companies that list on or after October 1, 2017. Any company that is listed prior to October 1, 2017 will continue to be able to access corporate governance tools to the extent that they are eligible to do so under Section 146 as currently in effect.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) [5] of the Act, in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the proposed amendment is not unfairly discriminatory, as all companies listed on or after October 1, 2017 will continue to be eligible to avail themselves of the same services offering with the exception of the corporate governance tools offering which will be discontinued. It is not unfairly discriminatory to continue to offer corporate governance tools to companies listed prior to October 1, 2017, as that benefit was part of the services offering that was available at the time of those companies' initial listing and may have had some influence over their listing decisions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed amendments to the Company Guide do not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change does not impose any burden on competition, as all companies whose initial listing occurs on or after October 1, 2017 will be eligible for an identical services offering with the exception of the discontinued corporate governance tools.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEAMER–2017–05 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange

[4] For the purposes of Section 146, the term ''Eligible New Listing'' means (i) any U.S. company that lists common stock on the Exchange for the first time and any non-U.S. company that lists an equity security on the Exchange under Section 101 or 110 of the Company Guide for the first time, regardless of whether such U.S. or non-U.S. company conducts an offering, (ii) any U.S. or non-U.S. company that transfers its listing of common stock or equity securities, respectively, to the Exchange from another national securities exchange and (iii) any U.S. or non-U.S. company emerging from a bankruptcy, spinoff (where a company lists new shares in the absence of a public offering), and carve-out (where a company carves out a business line or division, which then conducts a separate initial public offering).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEAMER–2017–05. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street N., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEAMER–2017–05, and should be submitted on or before September 19, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–18243 Filed 8–28–17; 8:45 am]

BILLING CODE 8011–01–P

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Form N–54A. SEC File No. 270–182, OMB Control No. 3235–0237

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) (the ''Investment Company Act''), certain investment companies can elect to be regulated as business development companies, as defined in Section 2(a)(48) of the Investment Company Act (15 U.S.C. 80a–2(a)(48)). Under Section 54(a) of the Investment Company Act (15 U.S.C. 80a–53(a)), any company defined in Section 2(a)(48)(A) and (B) may elect to be subject to the provisions of Sections 55 through 65 of the Investment Company Act (15 U.S.C. 80a–54 to 80a–64) by filing with the Commission a notification of election, if such company has: (1) A class of equity securities registered under Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''); or (2) filed a registration statement pursuant to Section 12 of the Exchange Act for a class of equity securities. The Commission has adopted Form N–54A (17 CFR 274.53) as the form for notification of election to be regulated as business development companies.

The purpose of Form N–54A is to notify the Commission that the investment company making the notification elects to be subject to Sections 55 through 65 of the Investment Company Act, enabling the Commission to administer those provisions of the Investment Company Act to such companies.

The Commission estimates that on average approximately 12 business development companies file these notifications each year. Each of those business development companies need only make a single filing of Form N–54A. The Commission further estimates that this information collection imposes a burden of 0.5 hours, resulting in a total annual PRA burden of 6 hours. Based on the estimated wage rate, the total cost to the business development company industry of the hour burden for complying with Form N–54A would be approximately $2,070.

The collection of information under Form N–54A is mandatory. The information provided under the form is not kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: August 23, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–18229 Filed 8–28–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81469; File No. SR–IEX–2017–20]

Self-Regulatory Organizations; Investors Exchange LLC; Notice of Filing of Proposed Rule Change To Adopt Rule 14.602 To Describe the Complimentary Products and Services To Be Made Available to All Listed Companies

August 23, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on August 10, 2017, the Investors Exchange LLC (''IEX'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act''),[4] and Rule 19b–4 thereunder,[5] Investors Exchange LLC (''IEX'' or ''Exchange'') is filing with the Commission a proposed rule change to adopt Rule 14.602 to describe the complimentary products and services to be made available to all listed companies.

The text of the proposed rule change is available at the Exchange's Web site at *www.iextrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On June 17, 2016, the Commission granted IEX's application for registration as a national securities exchange under Section 6 of the Act including approval of rules applicable to the qualification, listing and delisting of companies on the Exchange. The Exchange plans to begin a listing program in 2017 and is proposing to adopt Rule 14.602 to describe the complimentary products and services that will be offered to all listed companies in this proposed rule change.

As proposed, IEX will provide all listed companies with the same optional complimentary services through access to IEX Issuer, a market information analytics platform consisting of access to a team of market professionals and web-based content. The team of market professionals will serve as a single source of timely market intelligence, fundamental and technical trading analysis, and real-time market information to all listed companies. The web-based portion of IEX Issuer will provide similar information that will enable all listed companies to follow their stock's trading, competitors, and market activity through an online interface. In addition, IEX Issuer may, from time to time, provide information about products and services from third-party vendors that IEX determines may be relevant to listed issuers. Provision of any products and services from a third-party vendor would need to be effected through arrangements directly between the listed issuer and the third-party vendor, without any subsidy or other involvement by the Exchange. A description of all products and services available through IEX Issuer will be provided on the Exchange's Web site.

All issuers listed on the Exchange will have access to services through IEX Issuer on the same basis. IEX is not proposing to offer any additional products and services to listed companies on a tiered or differentiated basis.

2. Statutory Basis

IEX believes that the proposed rule change is consistent with Section 6 of the Act[6] in general, and furthers the objectives of Section 6(b)(4)[7] of the Act, in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities. The Exchange also believes that the proposed rule change is consistent with Section 6(b)(5) of the Act[8] in that it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that it is fair and reasonable to offer optional complimentary products and services to attract and retain listings in a highly competitive market. The Exchange believes that the existing U.S. exchange listing market for operating companies is essentially a duopoly of the New York Stock Exchange (''NYSE'') and Nasdaq Stock Market (''Nasdaq''), with the vast majority of operating companies listed on U.S. securities exchanges listed on those two. Both NYSE and Nasdaq offer complimentary products and services to listed companies,[9] and the Exchange believes that some listed companies want such products and services. The Exchange expects to face significant competition from NYSE and Nasdaq as a new entrant into the exchange listing market, and believes that offering IEX Issuer will facilitate its ability to attract and retain the listing of companies that want complimentary products and services. IEX believes that to the extent IEX's listing program is successful, it will provide a competitive alternative, which will thereby benefit issuers and investors, remove impediments to and perfect the mechanism of a free and open market and a national market system, consistent with the protection of investors and the public interest.

The Exchange believes that its proposed provision of issuer products and services is fair and not unfairly discriminatory because it will offer all products and services to each listed company on the same terms and conditions without differentiation among listed companies whereby certain companies receive enhanced or more services.

B. Self-Regulatory Organization's Statement on Burden on Competition

IEX does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, and as discussed in the Statutory Basis section, IEX believes that the proposed rule change will enhance competition by facilitating IEX's listing program which will allow the Exchange to provide companies with another listing option, thereby promoting intermarket competition between exchanges in furtherance of the principles of Section 11A(a)(1) of the Act[10] in that it is designed to promote fair competition between exchange markets by offering a new listing market to compete with Nasdaq and NYSE. Moreover, as a new listing venue, IEX expects to face intense competition from existing exchanges. Consequently, the degree to which IEX's products and services offerings to listed companies could impose any burden on intermarket competition is extremely limited, and IEX does not believe that such products and services offering would impose any burden on competing venues that is not necessary or appropriate in furtherance of the purposes of the Act.

IEX also does not believe that the proposed rule change will result in any burden on intramarket competition since IEX will offer the complimentary products and services to all listed companies on the same basis without any differentiation. Consequently, IEX does not believe that the proposal will

[4] 15 U.S.C. 78s(b)(1).

[5] 17 CRF [sic] 240.19b–4.

[6] 15 U.S.C. 78F [sic]

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78f(b)(5).

[9] *See* Section 907.00 of the NYSE Listed Company Manual and Nasdaq Rule IM–5900–7.

[10] 15 U.S.C. 78k–1(a)(1).

impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act.

IEX also notes that it does not have exclusive arrangements with third-party vendors with respect to optional access to discounted products and services from third-party vendors. IEX believes that multiple third-party vendors offer similar services and listed companies will not be required to accept any discounted products and services as a condition to listing. IEX listed companies are free to purchase similar products and services from other vendors, or not to use any such products and services, instead of accepting the products and services described herein offered by the Exchange. Thus, even if IEX were to list a large number of companies, it nonetheless does not believe that the proposed rule change will adversely impact competition for such products and services.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–IEX–2017–20 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–IEX–2017–20. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–IEX–2017–20 and should be submitted on or before September 19, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–18242 Filed 8–28–17; 8:45 am]

BILLING CODE 8011–01–P

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81468; File No. SR–BatsEDGX–2017–29]

Self-Regulatory Organizations; Bats EDGX Exchange, Inc.; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Adopt New Rules That Describe the Trading of Complex Orders on the Exchange

August 23, 2017.

On June 30, 2017, Bats EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt new rules that describe the trading of complex orders on the Exchange's equity options platform. The proposed rule change was published for comment in the **Federal Register** on July 19, 2017.[3] The Commission has received no comment letters regarding the proposal.

Section 19(b)(2) of the Act[4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day for this filing is September 2, 2017.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider and take action on the Exchange's proposed rule change.

Accordingly, pursuant to Section 19(b)(2) of the Act[5] and for the reasons stated above, the Commission designates October 17, 2017, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 81137 (July 13, 2017), 82 FR 33170.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

disapprove, the proposed rule change (File No. SR–BatsEDGX–2017–29).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–18241 Filed 8–28–17; 8:45 am]

BILLING CODE 8011–01–P

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a closed meeting on Thursday, August 31, 2017 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(7), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Piwowar, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matters of the closed meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Adjudicatory matters;

Resolution of litigation claims; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: August 24, 2017.

Brent J. Fields,

Secretary.

[FR Doc. 2017–18350 Filed 8–25–17; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–10407; 34–81476/August 24, 2017]

Order Making Fiscal Year 2018 Annual Adjustments to Registration Fee Rates

I. Background

The Commission collects fees under various provisions of the securities laws. Section 6(b) of the Securities Act of 1933 (''Securities Act'') requires the Commission to collect fees from issuers on the registration of securities.[1] Section 13(e) of the Securities Exchange Act of 1934 (''Exchange Act'') requires the Commission to collect fees on specified repurchases of securities.[2] Section 14(g) of the Exchange Act requires the Commission to collect fees on specified proxy solicitations and statements in corporate control transactions.[3] These provisions require the Commission to make annual adjustments to the applicable fee rates.

II. Fiscal Year 2018 Annual Adjustment to Fee Rates

Section 6(b)(2) of the Securities Act requires the Commission to make an annual adjustment to the fee rate applicable under Section 6(b).[4] The annual adjustment to the fee rate under Section 6(b) of the Securities Act also sets the annual adjustment to the fee rates under Sections 13(e) and 14(g) of the Exchange Act.[5]

Section 6(b)(2) sets forth the method for determining the annual adjustment to the fee rate under Section 6(b) for fiscal year 2018. Specifically, the Commission must adjust the fee rate under Section 6(b) to a ''rate that, when applied to the baseline estimate of the aggregate maximum offering prices for [fiscal year 2018], is reasonably likely to produce aggregate fee collections under [Section 6(b)] that are equal to the target fee collection amount for [fiscal year 2018].'' That is, the adjusted rate is determined by dividing the ''target fee collection amount'' for fiscal year 2018 by the ''baseline estimate of the aggregate maximum offering prices'' for fiscal year 2018.

Section 6(b)(6)(A) specifies that the ''target fee collection amount'' for fiscal year 2018 is $620,000,000. Section 6(b)(6)(B) defines the ''baseline estimate of the aggregate maximum offering prices'' for fiscal year 2018 as ''the baseline estimate of the aggregate maximum offering price at which securities are proposed to be offered pursuant to registration statements filed with the Commission during [fiscal year 2018] as determined by the Commission, after consultation with the Congressional Budget Office and the Office of Management and Budget . . . .''

To make the baseline estimate of the aggregate maximum offering price for fiscal year 2018, the Commission is using a methodology that has been used in prior fiscal years and that was developed in consultation with the Congressional Budget Office (''CBO'') and Office of Management and Budget (''OMB'').[6] Using this methodology, the Commission determines the ''baseline estimate of the aggregate maximum offering price'' for fiscal year 2018 to be $4,981,648,951,511. Based on this estimate, the Commission calculates the fee rate for fiscal 2018 to be $124.50 per million. This adjusted fee rate applies to Section 6(b) of the Securities Act, as well as to Sections 13(e) and 14(g) of the Exchange Act.

III. Effective Dates of the Annual Adjustments

The fiscal year 2018 annual adjustments to the fee rates applicable under Section 6(b) of the Securities Act and Sections 13(e) and 14(g) of the Exchange Act will be effective on October 1, 2017.[7]

IV. Conclusion

Accordingly, pursuant to Section 6(b) of the Securities Act and Sections 13(e) and 14(g) of the Exchange Act,[8]

It is hereby ordered that the fee rates applicable under Section 6(b) of the Securities Act and Sections 13(e) and 14(g) of the Exchange Act shall be $124.50 per million effective on October 1, 2017.

[1] 15 U.S.C. 77f(b).

[2] 15 U.S.C. 78m(e).

[3] 15 U.S.C. 78n(g).

[4] 15 U.S.C. 77f(b)(2). The annual adjustments are designed to adjust the fee rate in a given fiscal year so that, when applied to the aggregate maximum offering price at which securities are proposed to be offered for the fiscal year, it is reasonably likely to produce total fee collections under Section 6(b) equal to the ''target fee collection amount'' specified in Section 6(b)(6)(A) for that fiscal year.

[5] 15 U.S.C. 78m(e)(4) and 15 U.S.C. 78n(g)(4).

[6] Appendix A explains how we determined the ''baseline estimate of the aggregate maximum offering price'' for fiscal year 2018 using our methodology, and then shows the arithmetical process of calculating the fiscal year 2018 annual adjustment based on that estimate. The appendix includes the data used by the Commission in making its ''baseline estimate of the aggregate maximum offering price'' for fiscal year 2018.

[7] 15 U.S.C. 77f(b)(4), 15 U.S.C. 78m(e)(6) and 15 U.S.C. 78n(g)(6).

[8] 15 U.S.C. 77f(b), 78m(e) and 78n(g).

By the Commission.

Brent J. Fields,

Secretary.

Appendix A

Congress has established a target amount of monies to be collected from fees charged to issuers based on the value of their registrations. This appendix provides the formula for determining such fees, which the Commission adjusts annually. Congress has mandated that the Commission determine these fees based on the ''aggregate maximum offering prices,'' which measures the aggregate dollar amount of securities registered with the Commission over the course of the year. In order to maximize the likelihood that the amount of monies targeted by Congress will be collected, the fee rate must be set to reflect projected aggregate maximum offering prices. As a percentage, the fee rate equals the ratio of the target amounts of monies to the projected aggregate maximum offering prices.

For 2018, the Commission has estimated the aggregate maximum offering prices by projecting forward the trend established in the previous decade. More specifically, an ARIMA model was used to forecast the value of the aggregate maximum offering prices for months subsequent to July 2017, the last month for which the Commission has data on the aggregate maximum offering prices.

The following sections describe this process in detail.

A. Baseline Estimate of the Aggregate Maximum Offering Prices for Fiscal Year 2018

First, calculate the aggregate maximum offering prices (AMOP) for each month in the sample (July 2007–July 2017). Next, calculate the percentage change in the AMOP from month to month.

Model the monthly percentage change in AMOP as a first order moving average process. The moving average approach allows one to model the effect that an exceptionally high (or low) observation of AMOP tends to be followed by a more ''typical'' value of AMOP.

Use the estimated moving average model to forecast the monthly percent change in AMOP. These percent changes can then be applied to obtain forecasts of the total dollar value of registrations. The following is a more formal (mathematical) description of the procedure:

1. Begin with the monthly data for AMOP. The sample spans ten years, from July 2007 to July 2017.

2. Divide each month's AMOP (column C) by the number of trading days in that month (column B) to obtain the average daily AMOP (AAMOP, column D).

3. For each month t, the natural logarithm of AAMOP is reported in column E.

4. Calculate the change in log(AAMOP) from the previous month as $\Delta_t = \log(AAMOP_t) - \log(AAMOP_{t-1})$. This approximates the percentage change.

5. Estimate the first order moving average model $\Delta_t = \alpha + \beta e_{t-1} + e_t$, where e_t denotes the forecast error for month t. The forecast error is simply the difference between the one-month ahead forecast and the actual realization of Δ_t. The forecast error is expressed as $e_t = \Delta_t - \alpha - \beta e_{t-1}$. The model can be estimated using standard commercially available software. Using least squares, the estimated parameter values are $\alpha = 0.0014909132$ and $\beta = 0.8922530731$.

6. For the month of August 2017 forecast $\Delta_{t=8/2017} = \alpha + \beta e_{t=7/2017}$. For all subsequent months, forecast $\Delta_t = \alpha$.

7. Calculate forecasts of log(AAMOP). For example, the forecast of log(AAMOP) for October 2017 is given by $FLAAMOP_{t=10/2017} = \log(AAMOP_{t=7/2017}) + \Delta_{t=8/2017} + \Delta_{t=9/2017} + \Delta_{t=10/2017}$.

8. Under the assumption that e_t is normally distributed, the n-step ahead forecast of AAMOP is given by $\exp(FLAAMOP_t + \sigma_n^2/2)$, where σ_n denotes the standard error of the n-step ahead forecast.

9. For October 2017, this gives a forecast AAMOP of $19.617 billion (Column I), and a forecast AMOP of $431.6 billion (Column J).

10. Iterate this process through September 2018 to obtain a baseline estimate of the aggregate maximum offering prices for fiscal year 2018 of $4,981,648,951,511.

B. Using the Forecasts From A To Calculate the New Fee Rate

1. Using the data from Table A, estimate the aggregate maximum offering prices between 10/01/17 and 9/30/18 to be $4,981,648,951,511.

2. The rate necessary to collect the target $620,000,000 in fee revenues set by Congress is then calculated as: $620,000,000 ÷ $4,981,648,951,511 = 0.000124457.

3. Round the result to the seventh decimal point, yielding a rate of 0.0001245 (or $124.50 per million).

TABLE A—ESTIMATION OF BASELINE OF AGGREGATE MAXIMUM OFFERING PRICES

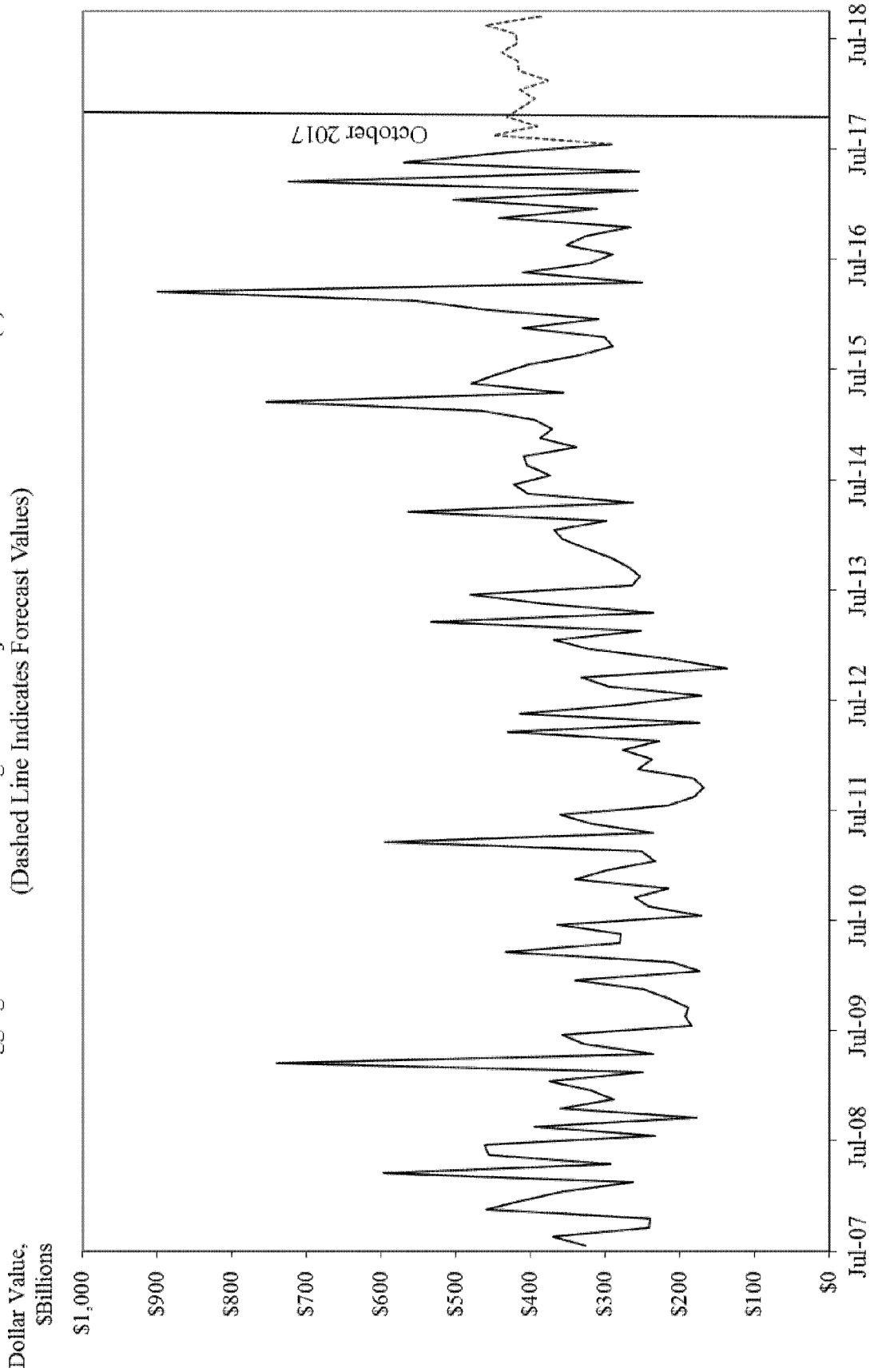
Fee rate calculation	
a. Baseline estimate of the aggregate maximum offering prices, 10/1/17 to 9/30/18 ($Millions)	4,981,649
b. Implied fee rate ($620 Million/a)	$124.50

Month (A)	Number of trading days in month (B)	Aggregate maximum offering prices, in $millions (C)	Average daily aggregate max. offering prices (AAMOP) in $millions (D)	Log (AAMOP) (E)	Log (change in AAMOP) (F)	Forecast log (AAMOP) (G)	Standard error (H)	Forecast AAMOP, in $millions (I)	Forecast aggregate maximum offering prices, in $millions (J)
Data									
Jul–07	21	326,612	15,553	23.468					
Aug–07	23	369,172	16,051	23.499	0.032				
Sep–07	19	241,059	12,687	23.264	−0.235				
Oct–07	23	239,652	10,420	23.067	−0.197				
Nov–07	21	458,654	21,841	23.807	0.740				
Dec–07	20	410,200	20,510	23.744	−0.063				
Jan–08	21	354,433	16,878	23.549	−0.195				
Feb–08	20	263,410	13,171	23.301	−0.248				
Mar–08	20	596,923	29,846	24.119	0.818				
Apr–08	22	292,534	13,297	23.311	−0.809				
May–08	21	456,077	21,718	23.801	0.491				
Jun–08	21	461,087	21,957	23.812	0.011				
Jul–08	22	232,896	10,586	23.083	−0.730				
Aug–08	21	395,440	18,830	23.659	0.576				
Sep–08	21	177,636	8,459	22.858	−0.800				
Oct–08	23	360,494	15,674	23.475	0.617				
Nov–08	19	288,911	15,206	23.445	−0.030				

Month (A)	Number of trading days in month (B)	Aggregate maximum offering prices, in $millions (C)	Average daily aggregate max. offering prices (AAMOP) in $millions (D)	Log (AAMOP) (E)	Log (change in AAMOP) (F)	Forecast log (AAMOP) (G)	Standard error (H)	Forecast AAMOP, in $millions (I)	Forecast aggregate maximum offering prices, in $millions (J)
Dec–08	22	319,584	14,527	23.399	−0.046				
Jan–09	20	375,065	18,753	23.655	0.255				
Feb–09	19	249,666	13,140	23.299	−0.356				
Mar–09	22	739,931	33,633	24.239	0.940				
Apr–09	21	235,914	11,234	23.142	−1.097				
May–09	20	329,522	16,476	23.525	0.383				
Jun–09	22	357,524	16,251	23.511	−0.014				
Jul–09	22	185,187	8,418	22.854	−0.658				
Aug–09	21	192,726	9,177	22.940	0.086				
Sep–09	21	189,224	9,011	22.922	−0.018				
Oct–09	22	215,720	9,805	23.006	0.085				
Nov–09	20	248,353	12,418	23.242	0.236				
Dec–09	22	340,464	15,476	23.463	0.220				
Jan–10	19	173,235	9,118	22.933	−0.529				
Feb–10	19	209,963	11,051	23.126	0.192				
Mar–10	23	432,934	18,823	23.658	0.533				
Apr–10	21	280,188	13,342	23.314	−0.344				
May–10	20	278,611	13,931	23.357	0.043				
Jun–10	22	364,251	16,557	23.530	0.173				
Jul–10	21	171,191	8,152	22.822	−0.709				
Aug–10	22	240,793	10,945	23.116	0.295				
Sep–10	21	260,783	12,418	23.242	0.126				
Oct–10	21	214,988	10,238	23.049	−0.193				
Nov–10	21	340,112	16,196	23.508	0.459				
Dec–10	22	297,992	13,545	23.329	−0.179				
Jan–11	20	233,668	11,683	23.181	−0.148				
Feb–11	19	252,785	13,304	23.311	0.130				
Mar–11	23	595,198	25,878	23.977	0.665				
Apr–11	20	236,355	11,818	23.193	−0.784				
May–11	21	319,053	15,193	23.444	0.251				
Jun–11	22	359,727	16,351	23.518	0.073				
Jul–11	20	215,391	10,770	23.100	−0.418				
Aug–11	23	179,870	7,820	22.780	−0.320				
Sep–11	21	168,005	8,000	22.803	0.023				
Oct–11	21	181,452	8,641	22.880	0.077				
Nov–11	21	256,418	12,210	23.226	0.346				
Dec–11	21	237,652	11,317	23.150	−0.076				
Jan–12	20	276,965	13,848	23.351	0.202				
Feb–12	20	228,419	11,421	23.159	−0.193				
Mar–12	22	430,806	19,582	23.698	0.539				
Apr–12	20	173,626	8,681	22.884	−0.813				
May–12	22	414,122	18,824	23.658	0.774				
Jun–12	21	272,218	12,963	23.285	−0.373				
Jul–12	21	170,462	8,117	22.817	−0.468				
Aug–12	23	295,472	12,847	23.276	0.459				
Sep–12	19	331,295	17,437	23.582	0.305				
Oct–12	21	137,562	6,551	22.603	−0.979				
Nov–12	21	221,521	10,549	23.079	0.476				
Dec–12	20	321,602	16,080	23.501	0.422				
Jan–13	21	368,488	17,547	23.588	0.087				
Feb–13	19	252,148	13,271	23.309	−0.279				
Mar–13	20	533,440	26,672	24.007	0.698				
Apr–13	22	235,779	10,717	23.095	−0.912				
May–13	22	382,950	17,407	23.580	0.485				
Jun–13	20	480,624	24,031	23.903	0.322				
Jul–13	22	263,869	11,994	23.208	−0.695				
Aug–13	22	253,305	11,514	23.167	−0.041				
Sep–13	20	267,923	13,396	23.318	0.151				
Oct–13	23	293,847	12,776	23.271	−0.047				
Nov–13	20	326,257	16,313	23.515	0.244				
Dec–13	21	358,169	17,056	23.560	0.045				
Jan–14	21	369,067	17,575	23.590	0.030				
Feb–14	19	298,376	15,704	23.477	−0.113				
Mar–14	21	564,840	26,897	24.015	0.538				
Apr–14	21	263,401	12,543	23.252	−0.763				
May–14	21	403,700	19,224	23.679	0.427				
Jun–14	21	423,075	20,146	23.726	0.047				
Jul–14	22	373,811	16,991	23.556	−0.170				
Aug–14	21	405,017	19,287	23.683	0.127				
Sep–14	21	409,349	19,493	23.693	0.011				
Oct–14	23	338,832	14,732	23.413	−0.280				
Nov–14	19	386,898	20,363	23.737	0.324				
Dec–14	22	370,760	16,853	23.548	−0.189				
Jan–15	20	394,127	19,706	23.704	0.156				

Month (A)	Number of trading days in month (B)	Aggregate maximum offering prices, in $millions (C)	Average daily aggregate max. offering prices (AAMOP) in $millions (D)	Log (AAMOP) (E)	Log (change in AAMOP) (F)	Forecast log (AAMOP) (G)	Standard error (H)	Forecast AAMOP, in $millions (I)	Forecast aggregate maximum offering prices, in $millions (J)
Feb–15	19	466,138	24,534	23.923	0.219				
Mar–15	22	753,747	34,261	24.257	0.334				
Apr–15	21	356,560	16,979	23.555	−0.702				
May–15	20	478,591	23,930	23.898	0.343				
Jun–15	22	446,102	20,277	23.733	−0.166				
Jul–15	22	402,062	18,276	23.629	−0.104				
Aug–15	21	334,746	15,940	23.492	−0.137				
Sep–15	21	289,872	13,803	23.348	−0.144				
Oct–15	22	300,276	13,649	23.337	−0.011				
Nov–15	20	409,690	20,485	23.743	0.406				
Dec–15	22	308,569	14,026	23.364	−0.379				
Jan–16	19	457,411	24,074	23.904	0.540				
Feb–16	20	554,343	27,717	24.045	0.141				
Mar–16	22	900,301	40,923	24.435	0.390				
Apr–16	21	250,716	11,939	23.203	−1.232				
May–16	21	409,992	19,523	23.695	0.492				
Jun–16	22	321,219	14,601	23.404	−0.291				
Jul–16	20	289,671	14,484	23.396	−0.008				
Aug–16	23	352,068	15,307	23.452	0.055				
Sep–16	21	326,116	15,529	23.466	0.014				
Oct–16	21	266,115	12,672	23.263	−0.203				
Nov–16	21	443,034	21,097	23.772	0.510				
Dec–16	21	310,614	14,791	23.417	−0.355				
Jan–17	20	503,030	25,152	23.948	0.531				
Feb–17	19	255,815	13,464	23.323	−0.625				
Mar–17	23	723,870	31,473	24.172	0.849				
Apr–17	19	255,275	13,436	23.321	−0.851				
May–17	22	569,965	25,908	23.978	0.657				
Jun–17	22	445,081	20,231	23.730	−0.247				
Jul–17	20	291,167	14,558	23.401	−0.329				
Aug–17	23					23.641896	0.327	19,535	449,296
Sep–17	20					23.643387	0.329	19,576	391,518
Oct–17	22					23.644878	0.331	19,617	431,581
Nov–17	21					23.646369	0.333	19,659	412,835
Dec–17	20					23.647860	0.335	19,700	394,008
Jan–18	21					23.649351	0.337	19,742	414,583
Feb–18	19					23.650841	0.338	19,784	375,892
Mar–18	21					23.652332	0.340	19,826	416,338
Apr–18	21					23.653823	0.342	19,868	417,219
May–18	22					23.655314	0.344	19,910	438,011
Jun–18	21					23.656805	0.346	19,952	418,986
Jul–18	21					23.658296	0.348	19,994	419,872
Aug–18	23					23.659787	0.349	20,036	460,832
Sep–18	19					23.661278	0.351	20,079	381,492

Figure A
Aggregate Maximum Offering Prices Subject to Securities Act Section 6(b)
(Dashed Line Indicates Forecast Values)



[FR Doc. 2017–18308 Filed 8–28–17; 8:45 am]
BILLING CODE 8011–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2017–0045]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974,Email address: *OIRA_Submission@omb.eop.gov*.

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*.

Or you may submit your comments online through *www.regulations.gov,* referencing Docket ID Number [SSA–2017–0045].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than October 30, 2017. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Partnership Questionnaire—20 CFR 404.1080–404.1082(e)—0960–0025. SSA considers partnership income in determining entitlement to Social Security benefits. SSA uses information from Form SSA–7104 to determine several aspects of eligibility for benefits, including the accuracy of reported partnership earnings; the veracity of a retirement; and lag earnings where SSA needs this information to determine the status of the insured. The respondents are applicants for, and recipients of, Title II Social Security benefits who are reporting partnership earnings.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–7104	12,350	1	30	6,175

2. Supplement to Claim of Person Outside the United States—20 CFR 422.505(b), 404.460, 404.463, and 42 CFR 407.27(c)—0960–0051. Claimants or beneficiaries (both United States (U.S.) citizens and aliens entitled to benefits) living outside the U.S. complete Form SSA–21 as a supplement to an application for benefits. SSA collects the information to determine eligibility for U.S. Social Security benefits for those months an alien beneficiary or claimant is outside the U.S., and to determine if tax withholding applies. In addition, SSA uses the information to: (1) Allow beneficiaries or claimants to request a special payment exception in an SSA restricted country; (2) terminate supplemental medical insurance coverage for recipients who request it, because they are, or will be, out of the United States; and (3) allow claimants to collect a lump sum death benefit if the number holder died outside the U.S. and we do not have information to determine whether the lump sum death benefit is payable under the Social Security Act (Act). The respondents are Social Security claimants, or individuals entitled to Social Security benefits, who are, were, or will be residing outside the U.S. three months or longer.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Paper SSA–21—U.S. Residents	510	1	14	119
Paper SSA–21—Residents of a Tax Treaty Country	2,751	1	9	413
Paper SSA–21—Nonresident aliens	1,835	1	8	245
Modernized Claims System (MCS) Macros SSA–21—U.S. Residents	1,325	1	11	243
MCS Macros SSA 21—Residents of a Tax Treaty Country	7,153	1	6	715
MCS Macros SSA 21—Nonresident aliens	4,769	1	5	397
Totals	18,343			2,132

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than September 28, 2017. Individuals can obtain copies of the OMB clearance packages by writing to *OR.Reports.Clearance@ssa.gov.*

1. *Application for Search of Census Records for Proof of Age—20 CFR 404.716—0960–0097.* When preferred evidence of age is not available, or the available evidence is not convincing, SSA may ask the U.S. Department of Commerce, Bureau of the Census, to search its records to establish a claimant's date of birth. SSA collects information from claimants using Form SSA–1535–U3 to provide the Census Bureau with sufficient identification

information to allow an accurate search of census records. Additionally, the Census Bureau uses a completed, signed SSA–1535–U3 to bill SSA for the search. The respondents are applicants for Social Security benefits who need to establish their date of birth as a factor of entitlement.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–1535–U3	18,030	1	12	3,606

2. State Death Match Collections—20 CFR 404.301, 404.310–404.311, 404.316, 404.330–404.341, 404.350–404.352, 404.371, and 416.912—0960–0700. SSA uses the State Death Match Collections to ensure the accuracy of payment files by detecting unreported or inaccurate deaths of beneficiaries. Under the Act, entitlement to retirement, disability, wife's, husband's, or parent's benefits terminate when the beneficiary dies. The states furnish death certificate information to SSA via the manual registration process, or the Electronic Death Registration process (EDR). Both death match processes are automated electronic transfers between the states and SSA. The respondents are the states' bureaus of vital statistics.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average cost per record request	Estimated total annual burden (hours)
State Death Match—CyberFusion/GSO: Non-EDR Records from EDR sites	45	3,700	166,500	$.88	$146,520
State Death Match—CyberFusion/GSO: Non-EDR sites	12	48,000	576,000	.88	506,880
Total: Non-EDR	57				653,400
State Death Match-EDR	45	48,500	2,182,500	3.17	6,918,525
States Expected to Become—State Death Match-EDR Within the Next 3 Years	7	62,600	438,200	3.17	1,389,094
Total: EDR and Expected EDR	52				8,307,619
Grand Totals	109				*8,961,019

*Please note that both of these data matching processes are electronic and there is only a cost burden, and no hourly burden for the respondent to provide this information.

3. Application for Access to SSA Systems—20 CFR 401.45—0960–0791. SSA uses Form SSA–120, Application for Access to SSA Systems, to allow limited access to SSA's information resources for SSA employees and non-Federal employees (contractors). SSA requires supervisory approval, and local or component Security Officer review, prior to granting this access. The respondents are SSA employees and non-Federal Employees (contractors) who require access to SSA systems to perform their jobs.

Note: Because SSA employees are Federal workers exempt from the requirements of the Paperwork Reduction Act, the burden below is only for SSA contractors.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–120 (paper version)	685	1	2	23
SSA–120 (Internet version)	1,482	1	1.5	37
Totals	2,167			60

Dated: August 24, 2017.

Naomi R. Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2017–18248 Filed 8–28–17; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 10102]

Certification Pursuant to Section 7045(A)(4)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017

By virtue of the authority vested in me as the Secretary of State, including pursuant to section 7045(a)(4)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (Div. J, Pub. L. 115–31), I hereby certify that the central government of Guatemala is taking effective steps, which are in addition to those steps taken since the certification and report submitted during the prior year, to:

- Inform its citizens of the dangers of the journey to the southwest border of the United States;

• combat human smuggling and trafficking;

• improve border security, including to prevent illegal migration, human smuggling and trafficking, and trafficking of illicit drugs and other contraband; and

• cooperate with United States Government agencies and other governments in the region to facilitate the return, repatriation, and reintegration of illegal migrants arriving at the southwest border of the United States who do not qualify for asylum, consistent with international law.

This certification shall be published in the **Federal Register** and, along with the accompanying Memorandum of Justification, shall be reported to Congress.

Dated: August 22, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–18305 Filed 8–28–17; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF STATE

[Public Notice: 10101]

Convening of an Accountability Review Board To Examine the Circumstances Surrounding the Deaths of Local Guard Contractors Providing Security for the U.S. Government Mission to Afghanistan in Kabul, Afghanistan on May 31, 2017

SUMMARY: On May 31, 2017, in Kabul, Afghanistan, ten local guard contractors funded by the Department of State were killed in a vehicle-borne improvised explosive device attack while performing their security duties. The Department of State's Accountability Review Board Permanent Coordinating Committee reviewed the incident, determined that it involved loss of life related to a U.S. mission abroad, and recommended that the Secretary convene an Accountability Review Board to investigate the incident further. Pursuant to Section 301 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986, as amended, Secretary of State Rex Tillerson has convened an Accountability Review Board to examine the facts and circumstances of the attacks and to report findings and recommendations as it deems appropriate, in keeping with its mandate.

The Secretary has appointed Pamela E. Bridgewater, a retired U.S. Ambassador, as Chair of the Board. The other Board members are Ambassador (retired) Carol A. Rodley, Mr. Patrick R. Hayes, Mr. Lee R. Lohman, and Mr. Philip F. Reilly. They bring to their deliberations distinguished backgrounds in government service the Board will submit its conclusions and recommendations to Secretary Tillerson within 60 days of its first meeting, unless the Chair determines a need for additional time. Within the timeframes required by statute following receipt of the report, the Department will report to Congress on recommendations made by the Board.

Anyone with information relevant to the Board's examination of these incidents should contact the Board promptly at (202) 647–6427 or send a fax to the Board at (202) 647–5792.

William E. Todd,

Director General of the Foreign Service, Acting, Department of State.

[FR Doc. 2017–18249 Filed 8–28–17; 8:45 am]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice 10103]

Certification Pursuant to the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017

By virtue of the authority vested in me as the Secretary of State, including pursuant to section 7045(a)(4)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (Div. J, Pub. L. 115–31), I hereby certify that the central government of Honduras is taking effective steps, which are in addition to those steps taken since the certification and report submitted during the prior year, to:

• Inform its citizens of the dangers of the journey to the southwest border of the United States;

• Combat human smuggling and trafficking;

• Improve border security, including to prevent illegal migration, human smuggling and trafficking, and trafficking of illicit drugs and other contraband; and

• Cooperate with United States Government agencies and other governments in the region to facilitate the return, repatriation, and reintegration of illegal migrants arriving at the southwest border of the United States who do not qualify for asylum, consistent with international law.

This certification shall be published in the **Federal Register** and, along with the accompanying Memorandum of Justification, shall be reported to Congress.

Dated: August 22, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–18304 Filed 8–28–17; 8:45 am]

BILLING CODE 4710–29–P

DEPARTMENT OF STATE

[Public Notice 10098]

Proposal To Extend Cultural Property Agreement between the United States and Cambodia

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Proposal of an extension of the Memorandum of Understanding Between the Government of the United States of America and the Government of the Kingdom of Cambodia Concerning the Imposition of Import Restrictions on Archaeological Material from Cambodia from the Bronze Age through the Khmer Era.

FOR FURTHER INFORMATION CONTACT: Catherine Foster, Cultural Heritage Center, Bureau of Educational and Cultural Affairs: 202–632–6301; *CulProp@state.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 19 U.S.C. 2602(f)(1), the Department proposes an extension of the Memorandum of Understanding with the Government of the Kingdom of Cambodia. A copy of the Memorandum of Understanding, the Designated List of categories of material restricted from import into the United States, and related information can be found at the Cultural Heritage Center Web site: *http://culturalheritage.state.gov.*

D. Bruce Wharton,

Acting Under Secretary for Public Diplomacy and Public Affairs, Department of State.

[FR Doc. 2017–18280 Filed 8–28–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10104]

Certification Pursuant to Section 7045(a)(4)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017

By virtue of the authority vested in me as the Secretary of State, including pursuant to section 7045(a)(4)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (Div. J, Pub. L. 115–31), I hereby certify that the central government of El Salvador is taking effective steps, which are in addition to those steps taken since the certification

and report submitted during the prior year, to:

- Inform its citizens of the dangers of the journey to the southwest border of the United States;
- combat human smuggling and trafficking;
- improve border security, including to prevent illegal migration, human smuggling and trafficking, and trafficking of illicit drugs and other contraband; and
- cooperate with United States Government agencies and other governments in the region to facilitate the return, repatriation, and reintegration of illegal migrants arriving at the southwest border of the United States who do not qualify for asylum, consistent with international law.

This certification shall be published in the **Federal Register** and, along with the accompanying Memorandum of Justification, shall be reported to Congress.

Dated: August 22, 2017.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–18303 Filed 8–28–17; 8:45 am]

BILLING CODE 4710–29–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 519 (Sub-No. 4)]

Notice of National Grain Car Council Meeting

AGENCY: Surface Transportation Board (Board).

ACTION: Notice of National Grain Car Council meeting.

SUMMARY: Notice is hereby given of a meeting of the National Grain Car Council (NGCC), pursuant to the Federal Advisory Committee Act.

DATES: The meeting will be held on Thursday, September 14, 2017, beginning at 1:00 p.m. (CDT), and is expected to conclude at 5:00 p.m. (CDT).

ADDRESSES: The meeting will be held at the InterContinental Kansas City at the Plaza, 401 Ward Parkway, Kansas City, MO 64112 (816–756–1500).

FOR FURTHER INFORMATION CONTACT: Fred Forstall at (202) 245–0241 or *alfred.forstall@stb.gov.* [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877–8339].

SUPPLEMENTARY INFORMATION: Notice is hereby given of a meeting of the NGCC, pursuant to the Federal Advisory Committee Act, 5 U.S.C., app. 2 10(a)(2). The NGCC was established by the Interstate Commerce Commission (ICC) as a working group to facilitate private-sector solutions and recommendations to the ICC (and now the Board) on matters affecting rail grain car availability and transportation. *Nat'l Grain Car Supply—Conference of Interested Parties,* EP 519 (ICC served Jan. 7, 1994).

The general purpose of this meeting is to discuss rail carrier preparedness to transport the 2017 grain harvest. Agenda items include the following: Remarks by Board Acting Chairman Ann D. Begeman, Board Vice Chairman and NGCC Co-Chairman Daniel R. Elliott III, and Commissioner Deb Miller; reports by member groups on expectations for the upcoming harvest, domestic and foreign markets, the supply of rail cars and rail service; and a presentation on disruptive technologies in freight transportation and logistics. The full agenda, along with other information regarding the NGCC, is posted on the Board Web site at *https://www.stb.gov/stb/rail/graincar_council.html.*

The meeting is open to the public and will be conducted pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2; Federal Advisory Committee Management, 41 CFR part 102–3; the NGCC Charter; and Board procedures.

Public Comments: Members of the public may submit written comments to the NGCC at any time. Comments should be addressed to NGCC, c/o Fred Forstall, Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001 or *alfred.forstall@stb.gov.* Any further communications about this meeting will be announced through the STB Web site.

Decided: August 24, 2016.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Rena Laws-Byrum,

Clearance Clerk.

[FR Doc. 2017–18253 Filed 8–28–17; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of the Final Environmental Assessment (EA) and Finding of No Significant Impact/Record of Decision (FONSI/ROD) for the Midfield Development Program at John Glenn Columbus International Airport (CMH), Columbus, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is issuing this notice to advise the public that the FAA has prepared and approved (June 22, 2017) a FONSI/ROD based on the Final EA for the CMH Midfield Development Project. The Final EA was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, FAA Orders 1050.1F, ''Environmental Impacts: Policies and Procedures'' and 5050.4B, ''NEPA Implementing Instructions for Airport Actions''.

DATES: This notice is applicable August 29, 2017.

FOR FURTHER INFORMATION CONTACT: Mr. Ernest Gubry, Environmental Protection Specialist, DET–606, Federal Aviation Administration, Detroit Airport District Office, 11677 South Wayne Road, Suite 107, Romulus, MI 48174. Telephone number: 734–229–2905. Copies of the FONSI/ROD and/or Final EA are available upon written request by contacting Mr. Ernest Gubry through the contact information above.

SUPPLEMENTARY INFORMATION: The Final EA evaluated the CMH Midfield Development Project. The purpose of the project is to provide sufficient parking capacity to meet current and forecast demand while maintaining an acceptable level of service; provide sufficient rental car capacity and facilities to meet current and forecast demand while maintaining an acceptable level of service; provide sufficient terminal capacity and improved level of service; increase the efficiency of the airfield and reduce airfield taxi time; maximize the use of airport land not needed for aeronautical development; and provide sufficient facilities for aircraft fueling to support current and forecast airport operations.

The Final EA identified and evaluated all reasonable alternatives. Numerous alternatives were considered but did not meet the purpose and need.

Based on the analysis in the Final EA, the FAA has determined that the proposed alternative will not result in significant impacts to resources identified in accordance with FAA Orders 1050.1F and 5050.4B. Therefore, an environmental impact statement will not be prepared.

Issued in Detroit, Michigan on August 18, 2017.

John L. Mayfield Jr.,

Manager, Detroit Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2017–18330 Filed 8–28–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–68]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number involved and must be received on or before September 8, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0794 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Forseth, ANM–113, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, email *mark.forseth@faa.gov,* phone (425) 227–2796; or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, email *alphonso.pendergrass@faa.gov,* phone (202) 267–4713.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on August 23, 2017.

Victor Wicklund,

Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

Petition For Exemption

Docket No.: FAA–2017–0794.

Petitioner: The Boeing Company.

Section of 14 CFR Affected: § 25.1329(j).

Description of Relief Sought: Permit temporary relief from the requirements for visual and aural warnings to be provided to all crewmembers for all autopilot disengagements.

[FR Doc. 2017–18244 Filed 8–28–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Intent To Prepare a Limited Scope Supplemental Environmental Impact Statement: Fond du Lac and Sheboygan Counties, Wisconsin

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a new Limited Scope Supplemental Environmental Impact Statement (LS SEIS) will be prepared for proposed transportation improvements on Wisconsin State Highway 23 (WIS 23) from U.S. Highway 151 to County Highway P in Fond du Lac and Sheboygan Counties, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Anna Varney, Senior Field Operations Engineer, FHWA, 525 Junction Road, Suite 8000, Madison, WI 53717; Telephone: (608) 829–7514. You may also contact Steve Krebs, Director, Bureau of Technical Services, Wisconsin Department of Transportation, 4802 Sheboygan Ave., Madison, WI 53707; Telephone (608) 220–2278.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Wisconsin Department of Transportation (WisDOT), will prepare a new LS SEIS in accordance with 23 CFR 771.130(f) and 40 CFR 1502.9 for proposed improvements along approximately 19 miles of WIS 23 from U.S. Highway 151 in the City of Fond du Lac to County Highway P in the City of Plymouth, in Fond du Lac and Sheboygan Counties, Wisconsin. In accordance with its regulations, FHWA will evaluate and provide additional analysis, if needed, on any new or changed impacts to the human and natural environment since the issuance of the March 17, 2014 Limited Scope Supplemental Final Environmental Impact Statement. In addition, the new LS SEIS will update and explain the methodology used to develop the traffic forecasts, explain the role of demographic data in traffic forecasts, as well as review the evaluation of reasonable alternatives.

The new LS SEIS will follow the same process and format as the original LS SEIS (Draft, Final, and Record of Decision [ROD]), except that scoping is not required. The original LS SEIS and other project documents will be available on the WIS 23 project Web site at *https://wisconsindot.gov/Pages/projects/by-region/ne/wis23exp/default.* After public review of the Draft LS SEIS document and public hearing(s), FHWA and WisDOT will issue a Final LS SEIS and ROD. The Final LS SEIS and ROD are anticipated to be issued as one combined document pursuant to 23 U.S.C. 139(n)(2), unless criteria are met for issuing the documents separately. Completion of the Final LS SEIS and ROD is anticipated in 2018.

The Draft LS SEIS will be available for public and agency review and comment prior to a public hearing. Public notice of the Draft LS SEIS and the date and time of the public hearing(s) will be posted on the project Web site and in local newspapers. To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action can be directed to the FHWA or WisDOT contacts listed above, or the WIS 23 Study Project Manager Bryan Lipke at the WisDOT Northeast Region, 944 Vanderperren Way, Green Bay, WI

54304; Telephone: (920) 492–5703; Email: *bryan.lipke@dot.wi.gov.* Project information can also be obtained by visiting the WIS 23 project Web site at *https://wisconsindot.gov/Pages/projects/by-region/ne/wis23exp/default.*

Projects receiving Federal funds must comply with Title VI of the Civil Rights Act, and EO 12898 ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.'' Federal law prohibits discrimination on the basis of race, color, age, sex, or country of national origin in the implementation of this project. It is also Federal policy to identify and address any disproportionately high and adverse effects of federal projects on the health or environment of minority and low income populations to the greatest extent practicable and permitted by law.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: August 23, 2017.

Michael Davies,

Division Administrator, FHWA Wisconsin Division, Madison, Wisconsin.

[FR Doc. 2017–18317 Filed 8–28–17; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Rescinding the Record of Decision (ROD) for the State Route 704, Cross Base Highway Project in Pierce County, Washington

AGENCY: Federal Highway Administration, DOT.

ACTION: Rescinding the Record of Decision.

SUMMARY: The Federal Highway Administration is issuing this notice to advise the public that the Record of Decision for the proposed State Route 704 Cross Base Highway in Pierce County, Washington is being rescinded.

FOR FURTHER INFORMATION CONTACT: Mr. Dean Moberg, Area Engineer, Washington Division, Federal Highway Administration, 711 Capitol Way, Suite 501, Olympia, WA 98501.

SUPPLEMENTARY INFORMATION: The FHWA, as the lead federal agency, in cooperation with the Washington State Department of Transportation and Pierce County published a Record of Decision (ROD) on August 2, 2004 for the State Route 704 Cross Base Highway Project. This project involved a new arterial highway between State Route 7 and Interstate 5 in Pierce County. Since that time, WSDOT has only advanced one of five project stages, but has not advanced further design, right of way acquisition or construction of the other stages since 2007 due to public policy, litigation and transportation demand reasons. The FHWA has determined that the ROD dated August 2, 2004 for the September 2003 Final Environmental Impact Statement on this project is no longer a valid document without further environment analysis and review pursuant to the requirements of the National Environmental Policy Act pursuant to 42 U.S.C. 4321, *et seq.* and 23 Code of Federal Regulations 771 and therefore will be rescinded. Comments and questions concerning this proposed action should be directed to FHWA at the address provided above.

Issued on: August 22, 2017.

Daniel M. Mathis,

Division Administrator, Washington Division, Federal Highway Administration.

[FR Doc. 2017–18262 Filed 8–28–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket No. NHTSA–2017–0058]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes the collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before October 30, 2017.

ADDRESSES: You may submit comments identified by DOT Docket ID Number NHTSA–2017–0058 using any of the following methods:

Electronic submissions: Go to *http://www.regulations.gov. Follow the on-line instructions for submitting comments.*

Mail: Docket Management Facility, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

Hand Delivery: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Fax: 1 (202) 493–2251.

Instructions: Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Kathryn Wochinger, Contracting Officer's Representative-Task Order, DOT/NHTSA (NPD–310), 1200 New Jersey Avenue SE., W46–487, Washington, DC 20590. Dr. Wochinger's phone number is (202) 366–4300 and her email address is *kathryn.wochinger@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: State of the Practice of Interlock Programs.

OMB Clearance Number: None.

Type of Request: New information collection requirement.

Requested Expiration Date of Approval: 5 years from date of approval.

Summary of the Collection of Information: NHTSA seeks to produce a comprehensive document on the state of the practice of alcohol ignition interlock device (IID) programs in the United States. The document will be a resource for IID program administrators, staff and stakeholders working to reduce impaired driving by drivers who have been arrested or convicted of driving while intoxicated (DWI). Every state, the District of Columbia and Puerto Rico has an IID law that provides for or requires DWI offenders to install IIDs on their vehicles, which requires IID program delivery. This project will collect information on IID programs in the nation to identify practices, including promising practices, and lessons learned. Participants will be IID program staff who complete a 15-minute online self-administered survey and participate in a semi-structured interview for approximately one hour.

Description of the Need for the Information and Proposed Use of the Information: NHTSA's mission is to save lives, prevent injuries and reduce traffic-related health care and other

economic costs. The agency develops, promotes and implements educational, engineering and enforcement programs with the goal of ending preventable tragedies and reducing economic costs associated with vehicle use and highway travel. Impaired driving is a long-standing highway safety problem. Efforts to reduce impaired driving have resulted in impressive improvements, but impaired driving remains a significant problem. For example, in 2013, there were 10,076 traffic fatalities in crashes involving drivers with a blood alcohol concentration (BAC) of 0.08 grams per deciliter (g/dL) or higher. More recently, there was an increase of 3.2 percent in the number of fatalities in alcohol-impaired-driving crashes from 2014 (9,943) to 2015 (10,265). Highway safety officials and traffic safety advocates identified a need for information on the current state of the practice of IID programs as a means to share lessons learned. The objective of this data collection activity is to produce a document that addresses that need by describing the state of the practice of IID programs across the nation, in each state, the District of Columbia and Puerto Rico. The document will serve as a resource for IID program administrators and staff, policy makers, legislators, researchers and advocates. The outcome of the project will support the states and their federal partners in the effort to reduce impaired driving and prevent the loss of life on the nation's roadways.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information): The respondents will be from one-to-five designated points-of-contact in the IID program in each state, the District of Columbia, and Puerto Rico. Each program will be invited to complete a 15-minute online survey and participate in one phone conference for approximately one hour. Each participant will respond to the data collection request a single time during the project period.

Total Estimated Time per Response: The expected average completion time for the online survey is 15 minutes per program with up to five individuals completing a portion of the survey. The expected average completion time for the phone conference is 60 minutes per individual.

Estimate of the Total Annual Reporting and Record Keeping Burden Resulting from the Collection of Information— Participants will incur no burden related to annual reporting or record keeping due to the collection of information.

Total Estimated Annual Burden Hours: The estimated burden for the online survey is 13 hours, assuming 52 programs complete the survey. The estimated burden hours for the phone conference ranges from 52 hours to 260 hours, from one to five individuals per IID program.

Authority: 44 U.S.C. Section 3506(c)(2)(A).

Issued in Washington, DC on August 24, 2017.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2017–18266 Filed 8–28–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to Executive Order 13581

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of persons whose property and interests in property have been unblocked pursuant to Executive Order 13581 of July 24, 2011, ''Blocking Property of Transnational Criminal Organizations.''

DATES: OFAC's actions described in this notice were effective on August 22, 2017.

FOR FURTHER INFORMATION CONTACT: The Department of the Treasury's Office of Foreign Assets Control: Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the Chief Counsel (Foreign Assets Control), Office of the General Counsel, tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The list of Specially Designated Nationals and Blocked Persons (SDN List) and additional information concerning OFAC sanctions programs are available from OFAC's Web site at *http://www.treasury.gov/ofac.*

Notice of OFAC Actions

On August 22, 2017, OFAC removed from the SDN List the persons listed below, whose property and interests in property were blocked pursuant to Executive Order 13581.

Individuals

1. BOIVIN, Marie (a.k.a. BOIVIN, Marie Claude), 13 Beechgrove Gardens, Stittsville, Ottawa, Ontario K25 1W5, Canada; 2571 Carling Avenue, Ottawa, Ontario K2B 7H7, Canada; DOB 03 Jul 1975 (individual) [TCO] (Linked To: ACCU–RATE CORPORATION; Linked To: PACNET GROUP).

2. FERLOW, Ruth (a.k.a. FERLOW, Ruth Hilda Rose), D11 Glyme Court, Oxford Office Village, Langford Lane, Kidlington, Oxon OX5 1LQ, United Kingdom; 4910 Keith Road, Vancouver, BC V7W 2NI, Canada; 4th Floor, 595 Howe Street, Vancouver, BC V6C 2TF, Canada; DOB 05 Jan 1967; nationality Canada (individual) [TCO] (Linked To: PACNET SERVICES LTD.; Linked To: CHEXX INC.; Linked To: INDIAN RIVER (UK) LTD.; Linked To: PACNET GROUP).

Dated: August 22, 2017.

Andrea Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2017–18252 Filed 8–28–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of persons whose property and interests in property have been unblocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act) and the Cuban Assets Control Regulations. Additionally, OFAC is publishing an update to the identifying information of a person currently included in the list of Specially Designated Nationals and Blocked Persons (SDN List).

DATES: OFAC's actions described in this notice were applicable on August 22, 2017.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the General Counsel: Office of the Chief

Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The list of Specially Designated Nationals and Blocked Persons (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's Web site (*http://www.treasury.gov/ofac*).

Notice of OFAC Actions

On August 22, 2017, OFAC removed from the SDN List the persons listed below, whose property and interests in property were blocked pursuant to the Kingpin Act.

Individuals

1. ZABANEH, John (a.k.a. ZABANEH, John Angel), Big Creek, Belize; 3 Magoon St., Dangriga, Belize; Long Coco Caye, Belize; Valley Rd., Stann Creek, Belize; 135 Commerce St., Stann Creek, Belize; Dangriga Town, Stann Creek, Belize; N River Side Docter, Dangriga, Belize; DOB 07 Oct 1954; alt. DOB 02 Oct 1954; POB Belize (individual) [SDNTK] (Linked To: MAYAN KING LIMITED; Linked To: MID–SOUTH INVESTMENTS LIMITED; Linked To: CROWN PARADISE ENTERPRISES LTD.; Linked To: BELIZE CHEMICALS LIMITED).

2. ZABANEH, Dion (a.k.a. ZABANEH, Dion Christopher), 68 Bela Vista, Belize City, Belize; 3 Eyre St., Belize City, Belize; 5468 Seashore Dr., Belize City, Belize; DOB 12 May 1974; POB Belize (individual) [SDNTK].

3. CIFUENTES VILLA, Hector Mario, c/o C.I. OKCOFFEE COLOMBIA S.A., Bogota, Colombia; c/o CUBI CAFE CLICK CUBE MEXICO, S.A. DE C.V., Mexico City, Distrito Federal, Mexico; c/o INVERSIONES CIFUENTES Y CIA. S. EN C., Medellin, Colombia; c/o UNION DE CONSTRUCTORES CONUSA S.A., Bogota, Colombia; c/o C.I. GLOBAL INVESTMENTS S.A., Medellin, Colombia; c/o ROBLE DE MINAS S.A., Medellin, Colombia; c/o GENETICA DEL SUR S.A., Lavalleja, Uruguay; DOB 28 Nov 1964; POB Medellin, Colombia; Cedula No. 71653530 (Colombia); Passport AG048125 (Colombia) (individual) [SDNTK].

4. AHMADY MOHAMMAD DIN, Atiqullah (a.k.a. AHMADY, Atiqullah; a.k.a. ATIQULLAH, Haji Ahmedy; a.k.a. ''HASHAM, Haji''), Manzil Hati Atiq, Nahya-6, Shah-e-naw, Behind Sura Jama, Kandahar, Afghanistan; Abdul Rahman Badri Building, Flat 401, Naif Road, Deira, Dubai, United Arab Emirates; DOB 01 Jan 1965; citizen Afghanistan; Passport OR371307 (Afghanistan); alt. Passport TR027672 (Afghanistan); alt. Passport OR1138550 (Afghanistan); National ID No. 87859 (Afghanistan); alt. National ID No. 224799 (Afghanistan); alt. National ID No. 602121 (Afghanistan) (individual) [SDNTK] (Linked To: ETIHAD GROUP OF AFGHANISTAN; Linked To: ETEHAD BROTHERS; Linked To: ETEHAD BEVERAGE CO LTD; Linked To: ATIQULLAH GENERAL TRADING CO LLC).

5. AHMADY MOHAMMAD DIN, Sadiq (a.k.a. SEDIQ, Haji Mohammad), 6 Zone, Kandahar, Afghanistan; National ID No. 87883 (Afghanistan); alt. National ID No. 761154 (Afghanistan) (individual) [SDNTK] (Linked To: ETEHAD BROTHERS).

6. ARISTIZABAL GIRALDO, Tulio Adan, c/o DISTRIBUIDORA BABY PANALES, Cali, Colombia; Calle 14 No. 9–53, Cali, Colombia; DOB 06 Mar 1966; alt. DOB 03 Jun 1966; Cedula No. 79395721 (Colombia) (individual) [SDNTK].

7. BARCO MEJIA, Jesus Rodolfo; DOB 19 Mar 1967; POB Santuario, Antioquia, Colombia; citizen Colombia; Cedula No. 70692776 (Colombia) (individual) [SDNTK] (Linked To: GRUPO EMPRESARIAL GHEMA S.A.S.).

8. BARCO MEJIA, Jose Albeiro; DOB 23 May 1965; POB Santuario, Antioquia, Colombia; citizen Colombia; Cedula No. 70691995 (Colombia) (individual) [SDNTK] (Linked To: INVERSIONES MEYBAR S.A.S.; Linked To: GRUPO EMPRESARIAL ENKOR PROFESIONAL S.A.S.).

9. BARCO MEJIA, Jose Guillermo; DOB 03 Aug 1976; POB Santuario, Antioquia, Colombia; citizen Colombia; Cedula No. 94486900 (Colombia) (individual) [SDNTK] (Linked To: GRUPO EMPRESARIAL ENKOR PROFESIONAL S.A.S.; Linked To: GRUPO EMPRESARIAL GHEMA S.A.S.; Linked To: ALMACEN GUIBAR; Linked To: E–PROFESIONAL).

Entities

1. BELIZE CHEMICALS LIMITED (a.k.a. BELIZE CHEMICALS; a.k.a. BELIZE CHEMICALS LTD.), 7292 George Price Blvd., P.O. Box 657, Belmopan, Belize; 10/12 Halfmoon Avenue, Belmopan City, Belize; Tax ID No. GST–SIG 000465 (Belize) [SDNTK].

2. CROWN PARADISE ENTERPRISES LTD. (a.k.a. CROWN PARADISE MARINA), 671 Ecumenical Drive, P.O. Box 64, Dangriga Town, Belize [SDNTK].

3. MAYAN KING LIMITED (a.k.a. MAYAN KING LIMITED EXT.; a.k.a. MAYAN KING LTD.), Dangriga, Stann Creek District, Belize; 21 Mls South Stann Creek Road, Stann Creek District, P.O. Box 64, Dangriga, Belize; P.O. Box 64, Dangriga Town, Stann Creek, Belize; Tax ID No. GST–DGA 015476 (Belize) [SDNTK].

4. MID-SOUTH INVESTMENTS LIMITED (a.k.a. MID-SOUTH INVESTMENT; a.k.a. MIDSOUTH INVESTMENT LTD; a.k.a. MIDSOUTH INVESTMENTS LTD.), 135 Commerce Street, Dangriga, Stann Creek, Belize; 6 Arandas Crescent, Dangriga Town, Belize; P.O. Box 64, Dangriga, Stann Creek, Belize; 671 Ecumenical Dr, DAN, Belize [SDNTK].

5. GENETICA DEL SUR S.A., Padron 15001 S. Judicial 9 y 10 Seccion Catastral—Paraje Retamosa, Lavalleja, Uruguay; Cerrito 532 Of. 501, Montevideo, Uruguay; RUT # 215.950.390.012 (Uruguay) [SDNTK].

6. ATIQULLAH GENERAL TRADING CO LLC (a.k.a. ATIQ ALLAH GENERAL TRADING LLC), Flat No. 301, Abdul Rahim Badri Building, PO Box 42351, Naif Road, Deira, Dubai, United Arab Emirates; Trade License No. 525843 (United Arab Emirates) [SDNTK].

7. ETEHAD BEVERAGE CO LTD (a.k.a. ETEHAD BEVERAGES INDUSTRY), 6 Srai Tara, First Floor, Chaharsu, Kandahar, Afghanistan; This designation refers to the entity in Afghanistan and does not refer to the airline of a similar name. [SDNTK].

8. ETEHAD BROTHERS (a.k.a. ETEHAD BROTHERS MONEY SERVICES; a.k.a. ETEHAT BROTHERS LTD.; a.k.a. ETIHAD MONEY EXCHANGE), Eid Gah Street, Ahmad Shahi Market Charachi, Captain Madad, District 1, Kandahar, Afghanistan; Sarafi Bazaar, Shop #70, Kabul, Afghanistan; Business Registration Document # 1000833242; This designation refers to the entity in Afghanistan and does not refer to the airline of a similar name. [SDNTK].

9. ETIHAD GROUP OF AFGHANISTAN (a.k.a. ETEHAD AFGAN GROUP), 6 Srai Tara Singh, First Floor, Chaharsu, Kandahar, Afghanistan; This designation refers to the entity in Afghanistan and does not refer to the airline of a similar name. [SDNTK].

10. GRUPO EMPRESARIAL GHEMA S.A.S. (a.k.a. GHEMA), Carrera 80 No. 49A–118, Medellin, Colombia; Calle 10 No. 21–08, Ofc. 405, Bogota, Colombia; NIT # 900441675–8 (Colombia) [SDNTK].

11. VARIEDADES JOSE ALBEIRO BARCO M., Calle 48 53 62 Bod. 1202, Medellin, Colombia; Matricula Mercantil No 30517002 (Medellin) [SDNTK].

12. ALMACEN GUIBAR, Cali, Colombia; Matricula Mercantil No 441336 (Cali) [SDNTK].

13. E–PROFESIONAL, Calle 6 50–166, Medellin, Colombia; Matricula Mercantil No 42525602 (Medellin) [SDNTK].

14. GRUPO EMPRESARIAL ENKOR PROFESIONAL S.A.S. (a.k.a. ENKOR PROFESIONAL), Calle 6 No. 50–154, Sector Coltabaco, Medellin, Colombia; Carrera 80 No. 49A–118, Medellin, Colombia; NIT # 900440725–3 (Colombia) [SDNTK].

15. DISTRIBUIDORA BABY PANALES, Calle 14 No. 9–45, Cali, Colombia; Calle 14 No. 9–53, Cali, Colombia; Matricula Mercantil No 569739–2 (Colombia) [SDNTK].

On August 22, 2017, OFAC removed from the SDN List the entity listed below, whose property and interests in property were blocked pursuant to the Cuban Assets Control Regulations.

1. TOUR & MARKETING INTERNATIONAL LTD. (a.k.a. GO CUBA PLUS; a.k.a. T&M INTERNATIONAL LTD.; a.k.a. TOUR AND MARKETING INTERNATIONAL LTD.; a.k.a. *WWW.ABOUTCUBA.COM;* a.k.a. *WWW.BONJOURCUBA.COM;* a.k.a. *WWW.CIAOCUBA.COM;* a.k.a. *WWW.CIGARSSUPERSTORE.COM;* a.k.a. *WWW.CUBAADVICE.COM;* a.k.a. *WWW.CUBA-BARACOA.COM;* a.k.a. *WWW.CUBA-BAYAMO.COM;* a.k.a. *WWW.CUBA-CAMAGUEY.COM;* a.k.a. *WWW.CUBA-CAYOCOCO.COM;* a.k.a. *WWW.CUBA-CAYOGUILLERMO.COM;* a.k.a. *WWW.CUBA-CAYOLARGO.COM;* a.k.a. *WWW.CUBA-CAYOLEVISA.COM;* a.k.a. *WWW.CUBA-CAYOSABINAL.COM;* a.k.a. *WWW.CUBA-CAYOSAETIA.COM;* a.k.a. *WWW.CUBA-CAYOSANTAMARIA.COM;* a.k.a. *WWW.CUBA-CHE.COM;* a.k.a. *WWW.CUBA-CIEGODEAVILA.COM;* a.k.a. *WWW.CUBA-CIENFUEGOS.COM;* a.k.a. *WWW.CUBA-ECOTOURISM.COM;* a.k.a.

WWW.CUBA-ELGUEA.COM; a.k.a. *WWW.CUBAFIRST.COM;* a.k.a. *WWW.CUBAFUN.COM;* a.k.a. *WWW.CUBA-GIRON.COM;* a.k.a. *WWW.CUBA-GRANMA.COM;* a.k.a. *WWW.CUBA-GUAMA.COM;* a.k.a. *WWW.CUBA-GUARDALAVACA.COM;* a.k.a. *WWW.CUBA-HAVANACITY.COM;* a.k.a. *WWW.CUBA-HEMINGWAY.COM;* a.k.a. WWW.CUBA-HOLGUIN.COM; a.k.a. *WWW.CUBA-ISLADELAJUVENTUD.COM;* a.k.a. *WWW.CUBA-JARDINESDELEREY.COM;* a.k.a. *WWW.CUBA-LAHABANA.COM;* a.k.a. *WWW.CUBA-LASTUNAS.COM;* a.k.a. *WWW.CUBA-MATANZAS.COM;* a.k.a. *WWW.CUBANBASEBALLTRAVEL.COM;* a.k.a. *WWW.CUBANCULTURE.COM;* a.k.a. *WWW.CUBA-OLDHAVANA.COM;* a.k.a. *WWW.CUBAONE.COM;* a.k.a. *WWW.CUBA-PINARDELRIO.COM;* a.k.a. *WWW.CUBA-SANCTISPIRITUS.COM;* a.k.a. *WWW.CUBA-SANTALUCIA.COM;* a.k.a. *WWW.CUBA-SANTIAGODECUBA.COM;* a.k.a. *WWW.CUBA-SHOPPING.COM;* a.k.a. *WWW.CUBA-SOROA.COM;* a.k.a. *WWW.CUBASPORTS.COM;* a.k.a. *WWW.CUBA-TOPESDECOLLANTES.COM;* a.k.a. *WWW.CUBATRAVELDIRECTORY.COM;* a.k.a. *WWW.CUBA-TRINIDAD.COM;* a.k.a. *WWW.CUBA-VARADEROBEACH.COM;* a.k.a. *WWW.CUBA-VILLACLARA.COM;* a.k.a. *WWW.CUBAVIP.COM;* a.k.a. *WWW.CUBA-WEATHER.COM;* a.k.a. *WWW.GOCUBA.COM;* a.k.a. *WWW.GOCUBA.CU;* a.k.a. *WWW.GOCUBAPLUS.COM;* a.k.a. *WWW.IPIXCUBA.COM;* a.k.a. *WWW.NO.GOCUBAPLUS.COM;* a.k.a. *WWW.REALESTATECUBA.COM;* a.k.a. *WWW.TOURANDMARKETING.COM;* a.k.a. *WWW.VAMOSACUBA.COM*), Ellen L. Skelton Building, 4th Floor, Fishers Estate, P.O. Box 3820, Road Town, Tortola, Virgin Islands, British; P.O. Box 24258, London, England SE9 1WS, United Kingdom; Hotel Acuario, Suite 3511, Marina Hemingway, Santa Fe, Playa, Havana, Cuba; Hotel Acuario, Suite 3541, Marina Hemingway, Santa Fe, Playa, Havana, Cuba; Hotel Acuario, Suite 3542, Marina Hemingway, Santa Fe, Playa, Havana, Cuba; Hotel Viejo y el Mar, Suite 6005, Marina Hemingway, Playa, Havana, Cuba; Calle 12 y Mar, Varadero Matanzas, Cuba; Calle Ramon Pino, No. 4, 38650, Los Cristianos, Arona, Tenerife, Spain [CUBA].

Additionally, on August 22, 2017, OFAC updated the SDN List for the person listed below, whose property and interests in property continue to be blocked pursuant to the Kingpin Act. The individual's listing was updated from:

1. BRICENO SUAREZ, Jorge (a.k.a. BRICENO SUAREZ, Jorge Enrique; a.k.a. SUAREZ ROJAS, Victor Julio; a.k.a. ''MONO JOJOY''; a.k.a. ''OSCAR RIANO''; a.k.a. ''SUAREZ, Luis''); DOB Jan 1953; alt. DOB 01 Feb 1949; alt. DOB 02 Jan 1951; alt. DOB 05 Feb 1953; POB Santa Marta, Magdalena, Colombia; alt. POB Cabrera, Cundinamarca, Colombia; Cedula No. 12536519 (Colombia); alt. Cedula No. 19208210 (Colombia); alt. Cedula No. 17708695 (Colombia) (individual) [SDNTK].

-to-

SUAREZ ROJAS, Victor Julio (a.k.a. ''MONO JOJOY''; a.k.a. ''OSCAR RIANO''; a.k.a. ''SUAREZ, Luis''); DOB 01 Feb 1949; alt. DOB 02 Jan 1951; alt. DOB 05 Feb 1953; POB Cabrera, Cundinamarca, Colombia; Cedula No. 19208210 (Colombia); alt. Cedula No. 17708695 (Colombia) (individual) [SDNTK].

Dated: August 22, 2017.

Gregory T. Gatjanis,

Associate Director, Office of Global Targeting, Office of Foreign Assets Control.

[FR Doc. 2017–18289 Filed 8–28–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Cost-Based and Inter-Agency Billing Rates for Medical Care or Services Provided by the Department of Veterans Affairs

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: This document updates the Cost-Based and Inter-Agency billing rates for medical care or services provided by the Department of Veterans Affairs (VA) that apply in certain circumstances.

DATES: The rates set forth herein are effective August 29, 2017 and until further notice.

FOR FURTHER INFORMATION CONTACT: Romona Greene, Office of Community Care (10D1C1), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 382–2521 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: VA's methodology for computing Cost-Based and Inter-Agency billing rates for medical care or services provided by VA is set forth in 38 CFR 17.102(h). Two sets of rates are obtained by applying this methodology, Cost-Based rates and Inter-Agency rates. Cost-Based rates apply in accordance with 38 CFR 17.102 to medical care and services that are provided by VA:

(a) In error or based on tentative eligibility;

(b) In a medical emergency;

(c) To pensioners of allied nations; and

(d) For research purposes in circumstances under which the medical care appropriation shall be reimbursed from the research appropriation.

Inter-Agency rates apply to medical care and services that are provided by VA to beneficiaries of the Department of Defense (DoD) or other Federal agencies, when the care or services provided is not covered by an applicable sharing agreement, unless otherwise stated. The calculations for the Cost-Based and Inter-Agency rates are the same with two exceptions. Inter-Agency rates are all-inclusive, and are not broken down into three components (Physician; Ancillary; and Nursing, Room and Board), and Inter-Agency rates do not include standard fringe benefit costs that cover government employee retirement, disability costs, and return on fixed assets. When VA pays for medical care or services from a non-VA source under circumstances in which the Cost-Based or Inter-Agency Rates would apply if the care or services had been provided by VA, the charge for such care or services will be the actual amount paid by VA for the care or services. Inpatient charges will be at the per diem rates shown for the type of bed section or discrete treatment unit providing the care.

The following table depicts the Cost-Based and Inter-Agency Rates that are effective upon publication of this notice and will remain in effect until the next **Federal Register** notice is published. These rates supersede those established by the **Federal Register** notice published on July 7, 2016, at 81 FR 44409.

	Cost-based rates	Inter-agency rates
A. Hospital Care per inpatient day:		
General Medicine:		
All Inclusive Rate	$3,805	$3,645
Physician	455	.....
Ancillary	992	.....
Nursing Room and Board	2,358	.....
Neurology:		
All Inclusive Rate	3,806	3,644

	Cost-based rates	Inter-agency rates
Physician	557	
Ancillary	1005	
Nursing Room and Board	2,244	
Rehabilitation Medicine:		
All Inclusive Rate	2,489	2,372
Physician	283	
Ancillary	760	
Nursing Room and Board	1,446	
Blind Rehabilitation:		
All Inclusive Rate	1,726	1,646
Physician	139	
Ancillary	857	
Nursing Room and Board	730	
Spinal Cord Injury:		
All Inclusive Rate	2,285	2,182
Physician	283	
Ancillary	575	
Nursing Room and Board	1,427	
Surgery:		
All Inclusive Rate	6,388	6,119
Physician	704	
Ancillary	1,937	
Nursing Room and Board	3,747	
General Psychiatry:		
All Inclusive Rate	1,849	1,761
Physician	175	
Ancillary	291	
Nursing Room and Board	1,383	
Substance Abuse (Alcohol and Drug Treatment):		
All Inclusive Rate	1,814	1,727
Physician	173	
Ancillary	420	
Nursing Room and Board	1,221	
Psychosocial Residential Rehabilitation Program:		
All Inclusive Rate	705	671
Physician	44	
Ancillary	74	
Nursing Room and Board	587	
Intermediate Medicine:		
All Inclusive Rate	2,123	2,025
Physician	104	
Ancillary	311	
Nursing Room and Board	1,708	
Poly-trauma Inpatient:		
All Inclusive Rate	3,070	2,927
Physician	349	
Ancillary	938	
Nursing Room and Board	1,783	
B. Nursing Home Care, Per Day:		
All Inclusive Rate	1,209	1,154
Physician	38	
Ancillary	164	
Nursing Room and Board	1007	
C. Outpatient Medical Treatments:		
Outpatient Visit (to include Ineligible Emergency Dental Care)	347	333
Outpatient Physical Medicine & Rehabilitation Service Visit	212	201
Outpatient Poly-trauma/Traumatic Brain Injury	546	522

Note: Outpatient Prescriptions will be billed at Drug Cost plus Administrative Fee.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on August 21, 2017, for publication.

Dated: August 22, 2017.

Jeffrey Martin,

Office Program Manager, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2017–18219 Filed 8–28–17; 8:45 am]

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FEDERAL REGISTER

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Part II

Federal Communications Commission

47 CFR Parts 1, 15, 73, et al.
Personal Radio Service Reform; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 15, 73, and 95

[WT Docket Nos. 10–119; RM–10762, RM–10844; FCC 17–57]

Personal Radio Service Reform

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission (Commission) adopted a comprehensive reorganization of and update to the rules governing the Personal Radio Services (PRS). PRS provides for a wide variety of wireless devices that are used by the general public for personal communication uses, which include applications like walkie-talkies, radio controlled model toys, Personal Locator Beacons (PLBs), medical implant devices and other uses. In addition to the comprehensive review and update of the rules to reflect modern practices, the Commission enhanced the General Mobile Radio Service (GMRS) to allow new digital applications, allot additional interstitial channels and extend the license term from five to ten years. It also allotted additional channels to the Family Radio Service (FRS) and increased the power on certain FRS channels from 0.5 Watts to two Watts. It also updated the CB Radio Service to allow hands-free headsets, removed a restriction on communicating over long distances and removed other outdated requirements. These changes and others outlined below will update PRS rules to be more in line with current public demands for the services and will make the rules easier to read and find information, while also removing outdated requirements and removing unnecessary rules.

DATES: Effective September 28, 2017. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of September 28, 2017.

FOR FURTHER INFORMATION CONTACT: Thomas Derenge (technical), (202) 418–2451 or Scot Stone (legal), (202) 418–0638, regarding the Report and Order in WT Docket 10–119. Both contact persons are in the Mobility Division, Wireless Telecommunications Bureau, and may also be contacted at (202) 418–7233 (TTY).

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in the part 95 Reform proceeding (*part 95 R&O*), WT Docket No. 10–119, RM Nos. 10762 and 10844, FCC 17–57, adopted May 18, 2017 and released May 19, 2017. The full text of the *part 95 R&O,* including the Appendix, is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW., Room CY–A157, Washington, DC 20554, or by downloading the text from the Commission's Web site at *https://apps.fcc.gov/edocs_public/attachmatch/DOC-344617A1.pdf.*

Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *FCC504@fcc.gov* or calling the Consumer and Government Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

The *Report and Order,* in deleting two of the FCC's rules (47 CFR 95.671 and 95.673), stated that such action would not become effective until after the **Federal Register** publication of the date that the Office of Management and Budget (OMB) approved the resulting modification of the information collections under the Paperwork Reduction Act (PRA) and effective date of such modification. Because subsequent review and consultation with OMB has revealed that there is no existing clearance that will be modified by the deletion of these two rules, OMB review is not necessary. Thus, the same effective date applies to all of the rules in the *Report and Order*.

Therefore, the effective date for the removal of 47 CFR 95.671 and 95.673 is the same as the other rule changes adopted in the action.

The *Report and Order* moves four provisions that incorporate by reference standards for certain part 95 devices to new rule sections. The Director of the Federal Register previously approved the incorporation by reference (IBR) of these standards and has approved moving these standards IBR to new rule sections.

Specifically, the incorporation by reference of International Telecommunication Union (ITU) Recommendation ITU–R M.1459, ''Protection criteria for telemetry systems in the aeronautical mobile service and mitigation techniques to facilitate sharing with geostationary broadcasting-satellite and mobile-satellite services in the frequency bands 1 452–1 525 and 2 310–2 360 MHz,'' May 2000, formerly contained in old section § 95.1223(c)(2) is now set forth in new section § 95.2509(e)(2); the IBR of Radio Technical for Maritime (RTCM) Service standard RTCM 11010.2, ''RTCM Standard 11010.2 for 406 MHz Satellite Personal Locator Beacons (PLBs),'' with Amendment 1, and with Amendment 2, dated June 8, 2012 (RTCM 11010) formerly contained in old rule section § 95.1402(a) is now set forth in new rule section § 95.2989(b); the IBR of RTCM standard RTCM 11901.1, ''Maritime Survivor Locating Devices (MSLD),'' dated June 4, 2012, formerly contained in old rule section § 95.1403(b) is now set forth in new rule section § 95.2989(c); and the IBR standard of American Society for Testing and Materials (ASTM) standard E2213–03, Standard Specification for Telecommunications and Information Exchange Between Roadside and Vehicle Systems—5 GHz Band Dedicated Short Range Communications (DSRC) Medium Access Control (MAC) and Physical Layer (PHY) Specifications published in 2003, formerly contained in old rule section § 95.1509 is now set forth in new rule section § 95.3189(a).

The effective language of each IBR, including the IBR approval from the Director of the Federal Register, remains the same, as well as information on how to obtain copies of the standards. Further, the documents are available for inspection at Commission headquarters at 445 12th Street SW., Washington, DC 20554. Synopsis

I. Report and Order (Part 95 Reform Proceeding, WT Docket No. 10–119)

A. Overall Reorganization of Part 95

1. In the *part 95 R&O,* the Commission used an organizational structure somewhat different than what it had proposed in recognition that some services were so unique, their technical rules could not easily be integrated into a technical subpart. Consequently, the *part 95 R&O* eliminated duplication by consolidating identical or essentially similar administrative rules that apply broadly to all or most of the Personal Radio Services into Subpart A, as proposed; and consolidated similar or identical technical rules that apply broadly to all or most of the Personal Radio Services into Subpart A instead of into a new Subpart B. Additionally, all the rules are written in a consistent plain language format and the ''Question and Answer'' format is removed.

2. To reduce confusion, the new rules will not use the same numbers as the prior rules and even numbers will not be used to allow room for insertion of new rules in the future if needed. The new arrangement of subparts, as compared to the existing arrangement, is as follows:

Subpart	Old topic	Old rules	New topic	New rules
A	General Mobile Radio Service (GMRS)	1–183	Personal Radio Services	300–399
B	Family Radio Service (FRS)	191–194	Family Radio Service (FRS)	500–599
C	Radio Control (R/C) Radio Service	201–225	Radio Control Radio Service (RCRS)	700–799
D	Citizens Band (CB) Radio Service	401–428	CB Radio Service	900–999
E	Technical Regulations	601–673	General Mobile Radio Service (GMRS)	1700–1799
F	218–219 MHz Service	801–861	218–219 MHz Service	1900–1999
G	Low Power Radio Service (LPRS)	1001–1019	Low Power Radio Service (LPRS)	2100–2199
H	Wireless Medical Telemetry Service (WMTS)	1101–1129	Wireless Medical Telemetry Service (WMTS)	2300–2399
I	Medical Device Radiocommunication Service (MedRadio).	1201–1225	Medical Device Radiocommunication Service (MedRadio).	2500–2599
J	Multi-Use Radio Service (MURS)	1301–1317	Multi-Use Radio Service (MURS)	2700–2799
K	Personal Locator Beacons (PLB)	1400–1402	Personal Locator Beacons (PLBs)	2900–2999
L	Dedicated Short Range Communications Service On-Board Units (DSRCS–OBUs).	1501–1511	DSRCS On-Board Units (OBUs)	3100–3199

3. Additionally, in order to make it easier to find information, the new rules are arranged in each subpart using, to the extent possible, a common template as follows:

Administrative rules	Operating rules	Technical rules	Marketing rules
1 scope	31 permissible uses	61 equipment certification	91 marketing limitations
3 definitions	33 prohibited uses	63 frequencies, channels	93 labeling
5 authority to operate	35 use of certified equip	65 frequency accuracy	95 disclosures
7 station locations	37 modified equipment	67 transmitting power limits.	
9 coordination procedures	39 external equipment	69 field strength limits.	
11 FCC correspondence	41 antenna height limit	71 emission types.	
13 violations, penalties	43 operator responsibility	73 emission bandwidths.	
15 *reserved*	45 remote control	75 modulation limits.	
17 antenna registration	47 automatic control	77 tones and signals.	
19 station maintenance	49 network connection	79 unwanted emissions.	
21 *reserved*	51 station identification	81 voice obscuring features.	
23 station inspection	53 false communications	83 *reserved*.	
25 interference	55 *reserved*	85 RF exposure.	
27 restricted operation	57 duration of transmissions	87 additional requirements.	
29 how to contact FCC	59 channel sharing	89 industry technical standard.	

4. *Technical Issues.* The *Notice of Proposed Rulemaking* released June 7, 2010 in the part 95 Reform Proceeding (*Notice of Proposed Rule Making and Memorandum Opinion and Order on Reconsideration,* WT Docket No. 10–119, 25 FCC Rcd 7651) (*part 95 NPRM*), proposed several technical changes to the part 95 rules such as to establish channel numbers across the PRS; to use consistent and up-to-date technical units of measure for frequency tolerance, power limits, and unwanted emissions for all PRS; and to conform and clarify the rules pertaining to voice obscuring in PRS devices. The *part 95 R&O* declined to establish channel numbers across part 95 because the record did not support the change. Similarly, the *part 95 R&O* did not find sufficient justification to change any particular power limit (with exception of increased power for certain Family Radio Service (FRS) channels as discussed below). The *part 95 R&O* did update frequency tolerance and stability requirements to express the limits in terms of parts per million and removed the requirement that transmitters use crystal control to keep frequencies stable in recognition that technologic advancements made the requirement unnecessary. Further, the Commission concluded that voice obscuring features are not appropriate for part 95 services. Specifically, the Commission stated that voice obscuring features on services like General Mobile Radio Service (GMRS) and FRS undermine the ''listen-before-talk'' etiquette used in these services, prevents self-policing by other device users and hinders communications during emergency calls, without providing true security against eavesdropping. Therefore, part 95 devices that include voice obscuring features will not receive equipment authorization 90 days after the effective date of the rules prohibiting these devices, and the rule also prohibits the manufacture, import, sell or offer for sale of non-compliant devices two years after the effective date of the rule. The Commission did not prohibit the continued use of existing radios with voice-obscuring features to minimize the burden of this rule on consumers, but it suggests that operators refrain from using such features, and advises them not to rely upon such features for security in communicating private information.

B. GMRS

5. GMRS is a long standing service in part 95 with a regulatory structure grounded in the assumption that GMRS systems are designed like traditional land mobile systems, *i.e.,* comprised of handheld portable units, mobile stations, base stations, and repeaters. However, rather than obtaining exclusive authorization for specific channels at specific locations, GMRS users had to obtain an individual license valid for five years, which allowed them to share the GMRS channels with other GMRS licensees. GMRS is allotted sixteen 25 kilohertz main channels (eight main channels in the 462 MHz band and eight main channels in the 467 MHz band). Between (and partially overlapping) the 462 MHz main GMRS channels are seven interstitial channels designated for GMRS use (25 kilohertz bandwidth). The Family Radio Service (FRS) is allotted 14 interstitial channels (12.5 kilohertz bandwidth and only 0.5 Watts power) between (and partially

overlapping) the GMRS main channels in the 462 MHz and 467 MHz bands.

6. *GMRS licensing issues.* Given that many part 95 services are ''licensed-by-rule'' and use low powered devices without the need for an individual license, the *part 95 NPRM* explored whether the Commission should continue to license GMRS, permit higher powered land mobile operations, or change the structure of the types of devices used under GMRS. Most commenters oppose eliminating the GMRS licensing requirement due to concerns that it would result in a decline in the operating etiquette that is essential to successful channel sharing or due to the unique flexibility that GMRS allows licensees to operate higher powered land mobile systems. Therefore, the *part 95 R&O* maintained the individual licensing requirement for all GMRS stations. However, as addressed below in the discussion of issues pertaining to the FRS, the *part 95 R&O* revised the rules to reclassify many GMRS/FRS hand-held combination radios as FRS units that do not require an individual license. Further, to reduce the administrative burden on GMRS licensees and FCC staff, the GMRS license term was changed from five to ten years, which will also reduce the cost because only one application fee is needed every ten years instead of two.

7. *GMRS data applications.* The *part 95 R&O* granted a Petition for Rulemaking filed by Garmin which would allow GMRS handheld portable devices to transmit digital data messages. These messages will be limited to location information, requests for location information from other units, and brief text messages to another specific unit; must be initiated by a manual action or command of a user, except that a unit receiving a location request from another unit may automatically respond with its location; must not exceed one second in duration; and must not be sent more frequently than one digital data transmission within any thirty-second period, excluding automatic responses to location requests. Moreover, GMRS transmitters capable of digital data transmissions: Must have integrated (*i.e.,* non-detachable) antennas; and may make digital data transmissions only on the 462 MHz GMRS channels and the new 467 MHz interstitial GMRS channels shared with the FRS. In addition, the *part 95 R&O* limited the occupied emission bandwidth of digital data transmissions to 12.5 kilohertz on the 462 MHz and 467 MHz interstitial channels, but allow up to 20 kHz on the 462 MHz main GMRS channels to be consistent with other GMRS emissions that may be using those channels. The Commission concluded the benefits of these new digital message capabilities outweighed the risk of increased interference or congestion in the GMRS. Further, the decision not to permit detachable antennas for GMRS portable units is based upon a concern that an in-line amplifier from a detachable antenna port could allow 467 MHz interstitial operations greatly exceeding the 0.5 Watt power limit and could interfere with repeater operations.

8. The *part 95 R&O* also declined suggestions from recent comments to expand the scope of these data applications to allow them on devices with detachable antennas and on all GMRS channels and to change the duty cycle or response parameters of the data applications (*e.g.,* automatic or periodic data response). Similarly, the Commission declined to expand GMRS capabilities to authorize digital voice modulation techniques, such as time division multiple access (TDMA) (*i.e.,* 7K60FXE 2-slot DMR TDMA). For similar reasons, it declined to allow GMRS licensees to use equipment certified under part 90 Land Mobile Radio Service rules unless it is also certified for part 95. The Commission declined to create an exclusion for GMRS and FRS devices to communicate with similar devices in Canada due to lack of a complete record. The Commission also declined to change or clarify the rules regarding network connections in the GMRS rules. Finally, the Commission declined to delete the GMRS prohibition on messages that are both conveyed by a wireline control link and transmitted by a GMRS station. In each of these instances, the late filed comments generated insufficient record to make a determination on the requests and evaluate the impact of the requests if allowed. For example, comments addressing digital voice on GMRS are split; some parties suggesting it should be allowed outright, one party suggesting it could be migrated in on a secondary basis, one suggesting new channels be made available for digital voice that avoid existing analog channels, and another suggesting that certain GMRS channels be set aside for ''digital only'' or ''digital primary.'' The Commission determined there is insufficient record to determine the impact of a variety of new digital voice operations on the ''listen before talk'' etiquette, self-policing, and emergency calls that occur on these shared channels. Further, regarding the use of part 90 equipment that is not also certified under part 95, the *part 95 R&O* noted that many part 90 certified radios have no technical similarity to GMRS, so such a broad exemption to the Commission's standard practice of requiring a part 95 equipment authorization would lead to unknown consequences on the service.

9. Further, the *part 95 R&O* did not change the power limits on GMRS as it had explored in the *part 95 NPRM* because commenters did not support the change and because the licensing requirement for GMRS was maintained. Similarly, the *part 95 R&O* did not implement any narrowbanding of GMRS 25 kHz channels because the interstitial channels are already in use by FRS and any benefit of such narrowbanding would be outweighed by the cost of licensees having to obtain new equipment. The Commission deleted section 95.29(g), which pertains to certain GMRS systems authorized before March 18, 1968 because the rule is obsolete. Additionally, the Commission removed reference to ''small'' base and control stations and related provision from the GMRS rules because these stations are a remnant of the former site-by-site GMRS licensing regime which is no longer in place.

C. FRS

10. *FRS Combination Radios.* The *part 95 R&O* explained that most FRS radios sold today are relatively inexpensive combination GMRS/FRS radios that have the capability to transmit on twenty-two channels (the seven shared GMRS/FRS channels between the GMRS 462 MHz channels, the seven FRS channels between the GMRS 467 MHz channels, and the eight GMRS 462 MHz channels) with an ERP of two Watts on the GMRS channels and 0.5 Watts on the FRS channels. However, the record indicates that the vast majority of people who use these radios do not obtain a GMRS license. To address the public demand for longer range FRS devices and to resolve the issue of noncompliance with the GMRS licensing obligation, the Commission essentially reclassified these FRS/GMRS combination radios as FRS only, if they meet certain technical requirements. Specifically, to accommodate these radios in FRS, the Commission increased the maximum authorized radiated power limit for FRS channels 1–7 from 0.5 Watts to two Watts, and allotted the GMRS 462 MHz main channels to be shared with FRS with a two watt power limit. The new channels will be numbered FRS channels 15 through 22. In addition, the Commission allotted FRS channels 8 through 14 (the interstitial channels between the GMRS 467 MHz channels, which formerly were designated exclusively for FRS) to

GMRS for use on a shared basis with FRS. These channels will be available to GMRS operators under the same technical limits that currently apply to FRS. The Commission retained the five Watts ERP limit for GMRS operation on the 462 MHz interstitial channels. Consequently, all FRS frequencies will now be shared with GMRS, while the eight GMRS 467 MHz main channels (repeater input channels) will remain exclusively GMRS. In other words, existing GMRS/FRS combination radios already in operation will be reclassified as FRS if the power is less than two Watts ERP and they do not use the 467 MHz main channels, so no individual license will be is required. Otherwise, devices not meeting these requirements will be classified as GMRS where an individual license is required. The Commission stated that the two watt limit for FRS is appropriate because many of the existing combination GMRS/FRS radios already operate under that level with no significant complaints about interference or other problems, and it provides a reasonable balance between the desire for increased range over the prior FRS power levels and battery life. Further, the two watt limit is the power used for part 95 MURS devices which are also licensed by rule, both MURS and FRS facilitate various applications (*e.g.,* voice and data) for the general public in the VHF frequency range with comparable spectral environments, and use of this power limit has worked safely and appropriately in this analogous service.

11. To prevent the creep of FRS combination radios into other licensed services, the *part 95 R&O* adopted a rule forbidding the certification of FRS devices that incorporate GMRS capabilities, as well as other services, other than part 15 unlicensed applications. Operation of FRS units is licensed by rule and they are marketed to and intended to be used by the general public as a simple and inexpensive communications solution. Because FRS units are intended to be operated by anyone, even young children, it is unrealistic to expect FRS users to know the channel assignments and operating procedures for other radio services. Further, because of the open eligibility to operate FRS devices, many businesses use the devices in their warehouses, retail stores and other locations, so widespread use of devices with capabilities to operate in licensed and safety related services could result in unintentional interference to safety communications. Therefore, the Commission amended the FRS equipment authorization rules to limit the technical capabilities of FRS units, especially the channels on which they are capable of transmitting with the exception for part 15 unlicensed devices to continue to allow the incorporation of part 15 features such as WI–FI and Bluetooth headsets into FRS devices. This action removes the confusion of whether a purchaser needs a license or meets eligibility requirements to operate devices in this band because they will be classified as either FRS or a different service, not under both services.

12. The same implementation schedule outlined above for devices with voice obscuring features is used for these changes to FRS. That is, 90 days after the effective date of new sections 95.561(c) and 95.1761(c) adopted in the *part 95 R&O,* no equipment authorization will be granted for any transmitter type under FRS and any other service, other than part 15. Second, two years after the effective date of new sections 95.587(e), 95.591, 95.1791(a) and (b) adopted in the *part 95 R&O,* no person shall be permitted to manufacture or import, sell or offer for sale any radio equipment capable of operating under both subpart B (FRS) and any other service, other than part 15. The Commission grandfathered the operation of any existing combination radios as set forth above, and reminded operators of such existing devices that fit within the reclassified GMRS category that they must obtain a license before operating a GMRS device.

D. CB Radio Service

13. The *part 95 R&O* changed the name of the Citizens Band Radio Service to ''CB Radio Service'' (CBRS). The public usually refers to this service simply as ''CB'' or ''CB radio.'' This change will avoid confusion with the term ''citizens band radio services'' used in the Communications Act of 1934, as amended, which encompasses all of the radio services in part 95 that are licensed by rule except the Radio Control Radio Service. Further, in response to a petition from Omnitronics, LLC, the Commission amended its rules to allow use of cordless microphones with CBRS radios because there is consumer demand for this feature and it will promote safety on the highways by reducing driver distraction for those using CBRS. Specifically, the Commission amended the rules to clarify that the use of part 15-compliant cordless microphones and headsets with CBRS stations is considered to be local control, not remote control, of CB stations. Further, the Commission found that the existing technical parameters in part 15 are appropriate to allow operation within or adjacent to a truck or other vehicle, while not providing so much distance as to be considered remote control, and no additional technical restrictions are currently needed. Cordless microphones and headsets used with CBRS transmitters must be certified to comply fully with part 15 of the Commission's rules, and must not change any of the operating parameters of the CBRS transmitter or adversely affect the CBRS transmission. The Commission also concluded that it is unnecessary to limit the use of hands-free devices to those that are made by or certified to the manufacturer of the CBRS transmitter. To the contrary, such a requirement would seem to unnecessarily reduce competitive options and consumer choice. Finally, the Commission stated that voice operated transmit (VOX) could be used with CBRS cordless microphones. The Commission found that the technology is sufficiently developed that VOX microphones are able to effectively operate in a variety of noisy environments.

14. *Review of CB Operating Rules.* The *part 95 NPRM* sought comment on various CBRS operating rules, including rules that limit the duration of conversations, rules restricting the transmission of music or sound effects, and restrictions on communicating when propagation allows long range communications. While the record supported some form of duration limitation on CBRS transmissions, there is no consensus on whether or how the existing limits should be modified, so the existing rules were maintained. Similarly, the record was inconclusive on the rule restricting the transmission of music, whistling, sound effects or any material to amuse or entertain or attract attention, so that rule was retained. However, the Commission removed the restriction on long range conversations when sky wave propagation conditions allow such long range conversations. The record does not contain any convincing evidence that the current level of use of sky wave propagation by CBRS operators creates any increase in risk of harmful interference, or presents any other cause for concern. Accordingly, the Commission retained the current power limit for CB and eliminated the restriction on long-range communications. The Commission declined the request of some commenters to increase the power limit, given the increased potential for interference to other services.

15. *Other CB Issues.* The Commission agreed with CB radio manufacturers that the rule requiring that the serial number of each CBRS radio be engraved into the transmitter chassis is no longer

necessary and the rule was removed. This requirement was adopted in 1976 to help alleviate difficulties in identifying stolen CBRS equipment, but because theft of mobile CBRS equipment is no longer as large a problem as it once was, the cost of engraving serial numbers on such equipment now appears to exceed any resultant benefits, and the requirement seems to impose needless costs on the manufacturer and therefore on the consumer. Similarly, the Commission removed the requirement that manufacturers include a copy of the FCC operating rules with each new CBRS radio. When this requirement originally was enacted, CBRS licensees were required to maintain a current copy of the rules, but this requirement was removed in 1982. The Commission concluded that such a requirement is no longer necessary for CBRS equipment and noted that CBRS radio operators and other PRS users can obtain information from the FCC Web site and request assistance using the FCC 800 number call center, and encouraged manufacturers to direct users to the FCC Web site *www.fcc.gov* or call center 888–225–5322 (888–CALL–FCC) to find information about operating requirements.

16. The Commission declined to adopt other changes proposed by commenters that, rather than streamlining the CBRS rules, would expand or substantially change the character of the service. Specifically, the Commission declined to adopt the proposal to allow CBRS radios to transmit data (other than the sub-audible tone squelch and selective calling that is already permitted) for the purpose of short text messaging. The Commission also declined to adopt proposals to allow FM modulation or to add additional channels for FM modulation, or to narrowband and digitize CBRS channels because 10 kilohertz channels are already relatively spectrally efficient and the alternative modulation techniques would be incompatible with the existing equipment base. Further, the Commission declined to adopt the proposal to transition the service to a band and modulation scheme that is more appropriate for short-range communications. Such changes are beyond the scope of this proceeding, and the Commission concluded that the proponents of such changes do not demonstrate sufficient potential for public benefits that would exceed the associated costs to merit further consideration at this time.

E. Radio Control Radio Service

17. The Radio Control Radio Service (RCRS) is a one-way, short-distance, non-voice communications service for the wireless remote control of devices. It is principally used by hobbyists for flying model aircraft and controlling other types of model vehicles such as boats and cars. The Commission changed the abbreviation for the Radio Control Radio Service from ''R/C'' to ''RCRS'' to be consistent with our practice for the other Personal Radio Services. The *part 95 R&O* also removed the rule that limited RCRS device transmissions to three minutes unless the device requires changes at least once per minute remains and replaces it with the more general requirement that transmissions be limited to the minimum practical time. The Commission found the general requirement to limit transmissions to the minimum practical time is more appropriate for the RCRS going forward because it will not unnecessarily limit applications that may not fit within the prior prescribed limitation. RCRS channels will continue to be used on a shared basis, however, and RCRS operators must cooperate in the selection and use of the channels and limit transmissions to the minimum practical time that is necessary.

18. The comments opposed a proposal in the *part 95 NPRM* to remove the prohibition on receiving payment for transmitting with an RCRS station stating that RCRS operations are primarily recreational, and wireless remote control of models for commercial purposes belongs in the Private Land Mobile Radio Services (part 90 of the FCC Rules). The Commission decided to retain the prohibition in the rules to ensure the RCRS is not overtaken by commercial operations, which should operate in other bands. In response to comments, the *part 95 R&O* removed the grandfather rule provisions that allowed (1) continued manufacturing and importing of 50 ppm RCRS equipment until March 1, 1992, and (2) continued marketing of 50 ppm RCRS equipment until March 1, 1993, because these dates have long passed. By removing the grandfather rule, however, the Commission did not prohibiting the further use of 50 ppm equipment that was FCC certified and marketed before March 1, 1993, if any still exists. The Commission also incorporated clarifications to the rules suggested by comments addressing permissible actions an RCRS operator may take in regard to servicing an RCRS transmitter. The clarifications are incorporated into the general rule that addresses service and maintenance responsibilities and the RCRS rule that covers user replaceable parts.

F. Personal Locator Beacons

19. Personal Locator Beacons (PLBs) provide individuals in remote areas a means to alert others of an emergency situation and to aid search and rescue (SAR) personnel to locate those in distress. 406 MHz PLBs provide worldwide alerting capability with distress alerts automatically routed, through the international COSPAS/SARSAT satellite system, to the SAR authorities for a specific geographic region. The *part 95 R&O* amends the PLB rules to clarify that beacons marketed or otherwise referred to as Personal Locator Beacons or PLBs must meet the requirements set forth in 47 CFR part 95, subpart K for 406 MHz PLBs to prevent confusion by users as to the level of SAR response the devices provide.

G. Other Part 95 Services

20. While the *part 95 NPRM* sought comment on changes to other part 95 services, other than the reorganization of the rules to fit the new template, no substantive changes to the MedRadio Service, Low Power Radio Service, and Multi Use Radio Service were made. However, in response to recent comments by the American Society for Healthcare Engineering of the American Hospital Association (ASHE), the *part 95 R&O* declined to modify new section 95.325 which required part 95 entities to first attempt to resolve interference by means of mutually satisfactory arrangements, so as to limit the mutual resolution efforts to other part 95 licensees, and exclude efforts with unlicensed users causing interference to Wireless Medical Telemetry Service (WMTS) systems. The Commission rejected the suggestion because it would overly limit the scope of the rule and would not address possible interference between a part 95 device and a primary allocation service in adjacent spectrum. However, the Commission clarified that this rule does not require negotiations between services of unequal status (such as licensed and unlicensed services) to resolve interference. The Commission also rejected a request to exclude WMTS and MedRadio from the requirement in new section 95.319(b) that internal repairs or modifications to part 95 devices be made by technically qualified personnel. The Commission disagreed that anyone should be able to make internal repairs to WMTS and MedRadio transmitters, but modified the rule to make clear that a person

making repairs need not be qualified to repair private land mobile services equipment specifically. Further, the Commission did adopt some editorial and administrative changes to the WMTS rules, such as updating the frequency coordinator mailing address, but declined a suggestion that the rules require manufacturers to include a written notice with WMTS devices stating that prior coordination is required before a WMTS device is activated. As the Commission concluded previously, the rules already set this requirement forth clearly. Moreover, the Office of Engineering and Technology plans to work with ASHE and other parties as necessary to remind hospitals and other health care providers that use WMTS equipment of their obligation to register with the designated frequency coordinator and to ensure that such registration information is accurate.

21. The *part 95 R&O* reduced the size of the subpart heading for On-Board Units (OBUs) in the Dedicated Short-Range Communications Service (DSRCS) by using only the acronym for the service name. The rules for the DSRCS, a sub-service within the Intelligent Transportation Systems Radio Service, are found in part 90 of the Commission's Rules, but the use of the shorter acronym ''OBU'' instead of ''DSRCS–OBU'' in part 95 rules is consistent with the existing part 90 rules.

II. Procedural Matters

A. Final Regulatory Flexibility Certification

22. The Commission issued an Initial Regulatory Flexibility Certification in its Notice of Proposed Rulemaking in this proceeding. One commenter raises regulatory flexibility issues in response to our certification. To address these issues, and as required by the Regulatory Flexibility Act of 1980 (''RFA''), the Commission has included a Final Regulatory Flexibility Certification (''FRFC'') with the *part 95 R&O*.

23. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The two statutorily-mandated criteria to be applied in determining the need for RFA analysis are (1) whether the proposed rules, if adopted, would have a significant economic effect, and (2) if so, whether the economic effect would directly affect a substantial number of small entities. Upon application of these criteria, the Commission certified in the initial regulatory flexibility certification (IRFC) to the *part 95 NPRM* that the proposed rules, if adopted, would not have a significant economic effect on a substantial number of small entities. One commenter, Ross Snyder, objects to the Commission's conclusion that the proposed rules would not have a significant economic effect on a substantial number of small entities. Mr. Snyder's comments below are addressed below. In addition, the Commission concluded it was appropriate to certify that the final rules adopted in the accompanying *part 95 R&O* will not have a significant economic effect on a substantial number of small entities.

24. The Commission reorganizes and revises part 95 of its rules governing Personal Radio Services (PRS). Specifically, it takes the following steps, among others: Reorganizing and revising part 95 by consolidating similar or duplicative rules; placing rules generally unique to each Service in separate subparts; organizing all rule topics, where possible, into four categories (administrative, operating, technical, marketing) and listing them in a consistent pattern in each subpart; reformatting the part 95 rules; replacing, where used before, the ''Question and Answer'' presentation of certain rules; removing certain rules that have had only an informative role; and deleting or correcting in those rules certain outdated references. Most of the rule changes made in this Report and Order are editorial and organizational in nature rather than substantive, and, as such, will not have any economic effect on any entities, regardless of size.

25. Of the remaining rule changes made in the *part 95 R&O,* many will directly affect only either certain operators of PRS stations or only certain entities that seek Commission certification of equipment for use in the PRS. As the Commission observed in the IRFC, the former typically are individual persons, which are not considered to be small entities for purposes of the RFA. Snyder argues that individual persons should be considered ''small entities'' for purposes of the RFA, first because, as SBA notes, some businesses are sole proprietorships. That a sole proprietorship qualifies as a ''small entity'' does not equate to an SBA determination that a single individual always qualifies as a ''small entity,'' because sole proprietorships can have any number of employees. Snyder also submits Congress included in the Small Business Act references to ''small business concerns'' that mention individual ''persons.'' While Congress passed that Act to improve the economic condition of certain groups of individuals, the Commission did not find any Congressional intent to include ''individual persons'' within the definition of ''small entities.''

26. With respect to entities that seek Commission certification of equipment for use in the PRS, the Commission observed in the IRFC that they typically are large manufacturing organizations, and thus are not considered to be small entities for purposes of the RFA. The PRS equipment market is both large and nationwide and most devices are manufactured and mass-marketed as consumer goods. This necessitates a large-volume manufacturing capability that small entities typically do not have. Snyder argues that this conclusion is inconsistent with the Commission's finding in another proceeding that the majority of firms in the Census Bureau category of ''Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing'' can be considered to be small. The Commission disagreed with that assessment arguing that the *part 95 NPRM* noted the involvement of small entities in the PRS, for example, those that make accessory devices. However, the Commission found that none of the proposed rules in the *part 95 NPRM* would directly affect any of them. Second, the *part 95 NPRM,* determined that none of its proposed rules would have a significant economic effect on manufacturers of PRS devices regardless of their size. Accordingly, the IRFC in the NPRM, and this FRFC, does not depend solely on a finding that PRS device makers are typically large manufacturing organizations that are not considered to be small. Third, the Commission recognized that changes in the various compliance requirements adopted in the *part 95 R&O* will necessitate the use of some engineering, technical, operational, accounting, billing, and legal skills. However, the entities affected by those changes already possess these skills. Accordingly, given the nature of those requirements and the skills of the entities to which they will apply, the Commission is unable to find that compliance will result in a significant economic impact on a substantial number of such entities.

27. Snyder also argues that the *part 95 NPRM* overlooked other affected entities that are small entities, such as those that make accessory devices for PRS radios and sell PRS radios and related equipment, and non-individual entities that the Commission has authorized to

operate PRS radios. Snyder claims the Commission has a statutory duty to address the economic impact of its proposed rules on all small entities affected by any new rule, whether that impact involves reporting, record keeping, or otherwise. However, the Commission found nothing in the comments of Snyder or other items in the record in this proceeding to demonstrate that the rules adopted in the *part 95 R&O* will have a direct and significant economic effect on individuals or non-individuals, whether licensed individually or by rule. The Commission concludes, therefore, that the rules adopted in the *part 95 R&O* will not directly affect many, if any, of the small entities identified by Snyder. Thus, even assuming, arguendo, a significant economic effect on some small entities, the Commission concluded that changes adopted will not have such an effect on a substantial number of such entities.

28. Specifically, the *part 95 R&O* adopts certain rule changes, which Snyder suggests will impact PRS device manufacturers: (1) The prohibition on voice scrambling or other obscuring features, and (2) the FCC no longer certifying part 95 combination radios with transmitting capability in other services licensed under 47 CFR. These rule changes involve the design or testing of future equipment, as currently certified equipment would remain unaffected by this item. However, the Commission reaffirmed its earlier finding that none of these new provisions would have a significant economic impact on device manufacturers.

29. First, the prohibition on equipment with voice scrambling or other obscuring features will not affect a substantial number of small entity device manufacturers. Only ''several'' GMRS and FRS radios with this capability have been certified, and this prohibition will not impact manufacturers that have already had such equipment certified as the provision is forward looking only. In addition, the rule change will not significantly impact the few affected small entity manufacturers. Because these small entities typically manufacture many types of radios and wireless communications equipment, disallowing just one product, among many, will not significantly impact them. Thus, this small design change, on just one device among the many produced, will not have a significant economic impact on these manufacturers. Moreover, contrary to Snyder's suggestion, this is not a rule change at all, for the Commission only clarified that its rules already prohibit voice-obscuring features in these Personal Radio Services.

30. Similarly, the prohibition on certain combination radios will not have a significant economic impact on a substantial number of small entities. The majority of device models produced lack this capability so only a few companies, and an even fewer number of small entities, currently produce these devices. Therefore, because this provision is forward looking—meaning already certified equipment will not be affected—and because few companies even manufacture this product, a substantial number of small entities will not even be affected by this provision. Assuming arguendo, however, that a substantial number of small entities will be affected by future compliance, this prohibition involves just one design change that will not substantially impact device manufacturers. In addition, we believe that changing the design of a PRS device to disallow transmitting capability in the other services is a small change relative to the overall cost of producing the device. As a result, this rule provision will not have a significant economic impact on PRS device manufacturers.

31. With respect to the second statutory criterion, we note that, under the RFA, the Commission and other Federal agencies need only consider the direct economic impact of their proposed rules on a substantial number of small entities regulated under those rules. Accordingly, such agencies need not consider indirect impacts. Snyder identifies a number of indirect economic impacts that might arise from the adoption of certain rule changes in the *part 95 R&O*. For example, he argues that granting operators in one radio service flexibility to use spectrum in another can burden existing users of that finite allocation of spectrum. In addition, because the forthcoming compliance requirements may prevent new manufactured equipment from meeting users' communication preferences, Snyder speculates that such users may stop purchasing such equipment, such that manufacturers, distributors, and dealers of PRS equipment will suffer lost sales. Because such economic impacts are indirect, it was not necessary to address them in association with the *part 95 NPRM*. Also, because the final rules adopted in the *part 95 R&O* do not cause any of these impacts to become more direct, it is not necessary to address them in association with the *part 95 R&O*.

32. The Commission also found no merit in Snyder's contentions that the Commission failed to comply with Executive Order 13272 by failing to provide the SBA with advance notice of its proposed rules and that the Commission did not satisfy a statutory obligation to identify significant alternatives to those proposals that would accomplish the stated objectives while minimizing any significant economic impact on small entities. Setting aside the question of whether a multi-member, independent Federal agency, such as the Commission, must comply with that Order, the Commission found its proposed rules would not, if adopted, have a significant economic impact on a substantial number of small entities. Where an agency makes such a finding it is not necessary for it, under the RFA or that Order to provide SBA with advance notice of its proposals or to identify significant alternatives.

33. Therefore, the Commission certified that the requirements of the *part 95 R&O* will not have a significant economic impact on a substantial number of small entities.

34. The Commission will send a copy of the *part 95 R&O*, including a copy of this Final Regulatory Flexibility Certification, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. 801(a)(1)(A). In addition, the *part 95 R&O* and this final certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration, and will be published in the **Federal Register**, see 5 U.S.C. 605(b).

B. Paperwork Reduction Analysis

35. The Report and Order identified two rule changes that constituted modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, that required Office of Management and Budget (OMB) approval before they become effective. After further review, we have found that OMB approval is not required. The Commission noted that, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), it previously sought specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' In the *part 95 R&O,* the Commission assessed the potential effects of the various policy changes, and found that they do not change the burden on businesses with fewer than 25 employees.

C. Congressional Review Act

36. The Commission will send a copy of the *part 95 R&O* to Congress and the

Government Accountability Office, pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

III. Ordering Clauses

37. Accordingly, *it is ordered,* pursuant to the authority contained in sections 1, 4(i), 4(j), 301, 303, 304, 309, 316, and 332 of the Communications Act of 1934, as amended, and section 706 of the Telecommunications Act of 1996, as amended, 47 U.S.C. 151, 154(i), 154(j), 301, 303, 304, 309, 316, 332, and 1302, that this *report and order* in WT Docket No. 10–119 *is hereby adopted.*

38. *It is further ordered* that parts 1, 15, 73 and 95 of the Commission's rules, 47 CFR parts 1, 15, 73 and 95, are *amended* as set forth in Appendix, and such rule amendments shall be effective, except as otherwise noted, 30 days after the date of publication of the text thereof in the **Federal Register**.

39. *It is further ordered* that, pursuant to section 1.401(e) of the Commission's rules, the petition of James Edwin Whedbee is dismissed without prejudice. *It is further ordered* that, pursuant to section 1.407 of the Commission's rules, the petitions of Kirk D. Becker, Corey S. Becker, Ricky L. Usinger, Brett Seifert, John Shagath, Mike Waschbisch, and Cole Weiss are granted to the extent described herein and are otherwise denied.

40. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *report and order,* including the Final Regulatory Flexibility Certification, to the Chief Counsel for Advocacy of the Small Business Administration.

41. *It is further ordered* that the Commission *shall send* a copy of this *report and order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

42. *It is further ordered* that, if no petitions for reconsideration or applications for review are timely filed, this proceeding *shall be terminated* and the docket *closed.*

List of Subjects

47 CFR Part 1

Communications equipment, Radio.

47 CFR Parts 15, 73, and 95

Communications equipment, Incorporation by reference, Radio.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 1, 15, 73 and 95, as follows:

PART 1—PRACTICE AND PROCEDURE

■ 1. The authority citation for part 1 is revised to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 157, 160, 201, 225, 227, 303(r), 309, 332, 1403, 1404, 1451, 1452, and 1455.

■ 2. Section 1.1307 is amended by revising paragraphs (b)(2)(iii) and (iv) to read as follows:

§ 1.1307 Actions that may have a significant environmental effect, for which Environmental Assessments (EAs) must be prepared.

* * * * *

(b) * * *

(2) * * *

(iii) Portable transmitting equipment for use in the Wireless Medical Telemetry Service (WMTS) is subject to routine environmental evaluation as specified in §§ 2.1093 and 95.2385 of this chapter.

(iv) Equipment authorized for use in the Medical Device Radiocommunication Service (MedRadio) as a medical implant device or body-worn transmitter (as defined in subpart I of part 95 of this chapter) is subject to routine environmental evaluation for RF exposure prior to equipment authorization, as specified in §§ 2.1093 and 95.2585 of this chapter by finite difference time domain (FDTD) computational modeling or laboratory measurement techniques. Where a showing is based on computational modeling, the Commission retains the discretion to request that supporting documentation and/or specific absorption rate (SAR) measurement data be submitted.

* * * * *

■ 3. Section 1.4000 is amended by revising paragraph (a)(2) to read as follows:

§ 1.4000 Restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services.

* * * * *

(a) * * *

(2) For purposes of this section, ''fixed wireless signals'' means any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Fixed wireless signals do not include, among other things, AM radio, FM radio, amateur (''HAM'') radio, CB radio, and Digital Audio Radio Service (DARS) signals.

* * * * *

PART 15—RADIO FREQUENCY DEVICES

■ 4. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a, and 549.

■ 5. Section 15.3 is amended by revising paragraph (g) to read as follows:

§ 15.3 Definitions.

* * * * *

(g) CB receiver. Any receiver that operates in the Personal Radio Services on frequencies designated for CB Radio Service stations, as well as any receiver provided with a separate band specifically designed to receive the transmissions of CB stations in the Personal Radio Services. This includes the following:

(1) A CB receiver sold as a separate unit of equipment;

(2) The receiver section of a CB transceiver;

(3) A converter to be used with any receiver for the purpose of receiving CB transmissions; and

(4) A multiband receiver that includes a band labelled ''CB'' or ''11-meter'' in which such band can be separately selected, except that an Amateur Radio Service receiver that was manufactured prior to January 1, 1960, and which includes an 11-meter band shall not be considered to be a CB receiver.

* * * * *

PART 73—RADIO BROADCAST SERVICES

■ 6. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 309, 310, 334, 336, and 339.

■ 7. Section 73.1207 is amended by revising paragraphs (c)(1) and (3) to read as follows:

§ 73.1207 Rebroadcasts.

* * * * *

(c) * * *

(1) Messages originated by privately-owned non-broadcast stations other than those in the Amateur and CB Radio Services may be broadcast only upon receipt of prior permission from the non-broadcast licensee. Additionally, messages transmitted by common carrier stations may be rebroadcast only

upon prior permission of the originator of the message as well as the station licensee.

* * * * *

(3) Messages originated by stations in the Amateur and CB Radio Services may be rebroadcast at the discretion of broadcast station licensees.

* * * * *

■ 8. Revise part 95 to read as follows:

PART 95—PERSONAL RADIO SERVICES

Subpart A—General Rules for the Personal Radio Services

Sec.
95.100 Basis and purpose.
95.101–95.299 [Reserved]
95.301 Scope.
95.303 Definitions.
95.305 Authorization to operate Personal Radio Services stations.
95.307 Authorized station locations.
95.309 Coordination procedures and other restrictions for operation in certain locations.
95.311 Correspondence and notices from the FCC.
95.313 Penalties for violations of the Communications Act or FCC rules.
95.315 [Reserved]
95.317 Registration of antenna structures that may constitute a menace to air navigation.
95.319 Malfunctioning transmitting equipment.
95.321 [Reserved]
95.323 FCC inspection of station.
95.325 Interference.
95.327 Restricted operation.
95.329 How to contact the FCC.
95.331 Permissible uses.
95.333 Prohibited uses.
95.335 Operation of non-certified transmitters prohibited.
95.337 Operation of impermissibly modified equipment prohibited.
95.339 Operation of transmitter with external device causing rule violation prohibited.
95.341 [Reserved]
95.343 Station operator responsibility and requirements.
95.345 Remote control.
95.347 Automatic control.
95.349 Network connection.
95.351 Station identification.
95.353 False distress signals.
95.355 [Reserved]
95.357 Duration of transmissions.
95.359 Sharing of channels.
95.361 Transmitter Certification.
95.363 Channels available for use.
95.365 [Reserved]
95.367 Transmitting power.
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95.371 Emission types.
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Appendix A To Part 95—Cross Reference to Previous Rules

Authority: 47 U.S.C. 154, 303, 307.

Subpart A—General Rules for the Personal Radio Services

§ 95.100 Basis and purpose.

This section contains a concise general statement of the basis and purpose of the rules in this part, pursuant to 5 U.S.C. 553(c).

(a) *Basis.* These rules are issued pursuant to the Communications Act of 1934, as amended, 47 U.S.C. 151 *et. seq.*

(b) *Purpose.* The purpose of these rules is to establish the requirements and conditions under which stations and devices incorporating radio transmitters may be designed, manufactured, certified, marketed, operated and used in the Personal Radio Services.

§ 95.101–95.299 [Reserved]

§ 95.301 Scope.

This subpart contains rules that apply generally to all of the Personal Radio Services.

§ 95.303 Definitions.

The following terms and definitions apply only to the rules in this part.

Antenna. A device that converts radio frequency electrical energy from a transmitter to radiated electromagnetic energy.

Authorized bandwidth. The maximum permissible occupied bandwidth of an emission.

Automatic control. Operational control of a Personal Radio Services station by automated means, such that the operator does not have to be located at a control point and monitoring communications in order to share channels and avoid interference and rule violations.

Base station. A station at a fixed location that communicates directly with mobile stations and other base stations.

Carrier power output. The average power supplied at the radio frequency output of a transmitter during one radio frequency cycle, measured under the condition of no modulation.

Certified transmitter. A transmitter of a type for which a grant of equipment certification, pursuant to part 2, subpart J of this chapter, has been issued for the Personal Radio Service(s) in which it is intended to be operated.

Citizens band radio service. Pursuant to 47 U.S.C. 307(e)(3), the term ''citizens band radio service'' means any radio service or other specific classification of radio stations used primarily for wireless telecommunications for which the FCC has determined that it serves the public interest, convenience and necessity to authorize by rule the operation of radio stations in that service or class, without individual licenses, pursuant to 47 U.S.C. 307(e)(1).

Citizens Broadband Radio Service. The rules for this service, including technical rules, are contained in part 96 of this chapter. Only Citizens Broadband Radio Service Devices authorized on a General Authorized Access basis, as those terms are defined in section 96.3, are considered part of the Citizens Band Radio Services.

Communications Act. The Communications Act of 1934, as amended; 47 U.S.C. 151 *et. seq.*

Control point. Any location where the operator of a Personal Radio Services station may reliably operate that station.

Control station. A station at a fixed location that communicates with mobile stations and other control stations through repeater stations, and may also be used to control the operation of repeater stations.

dB. Decibels.

EIRP. Equivalent Isotropically Radiated Power. Antenna input power times gain for free-space, or in-tissue measurement configurations required by MedRadio, expressed in Watts, where the gain is referenced to an isotropic radiator.

Emergency messages. Communications concerning the immediate safety of life or protection of property.

Emission. Radiated electromagnetic energy from a station.

External radio frequency power amplifier. Any device which, when used with a transmitter as a signal source, is capable of amplification of that signal, and is not an integral part of a radio transmitter as manufactured. *See* § 2.815 of this chapter.

FCC. The Federal Communications Commission.

Feedline. A cable or transmission line that conveys radio frequency electrical energy from a transmitter to an antenna.

Fixed station. A station at a fixed location that directly communicates with other fixed stations only.

Frequency accuracy. A technical requirement comprising the frequency tolerance, frequency stability, or both.

Frequency tolerance. A design requirement specifying the maximum amount that carrier frequencies of newly manufactured transmitters may normally differ from the frequency or frequencies set forth in the FCC rules.

Frequency stability. A design requirement specifying the maximum amount that carrier frequencies of transmitters may normally change from their nominal value as a result of changes in ambient temperature, power supply voltages, or other external factors.

Hand-held portable unit. A physically small mobile station that can be operated while being held in the operator's hand.

Harmful interference. Any transmission, radiation, or induction that endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with applicable laws, treaties, and regulations.

Individual. A human being, *e.g.,* one man or one woman.

Individual license. An authorization to operate a Personal Radio Service station, granted by the FCC to a specific person.

Interference. The effect of unwanted energy due to one or a combination of emissions, radiations, or inductions upon reception in a radiocommunication system, manifested by any performance degradation, misinterpretation, or loss of information which could be extracted in the absence of such unwanted energy.

Licensee. A person that has been granted an individual license by the FCC.

Mean power output. The average power supplied at the radio frequency output of a transmitter during a time interval of at least 0.1 seconds, taken under normal operating conditions.

Mobile station. A station, intended to be used while in motion or during halts at unspecified locations, that communicates directly with base stations and other mobile stations, and with control stations and other mobile stations through repeater stations.

Modulation. A process of altering the amplitude, frequency and/or phase of a radio frequency carrier wave generated within a Personal Radio Service transmitter, for the purpose of impressing onto the carrier wave information to be transmitted.

Necessary bandwidth. For a given class of emission, the width of the frequency band which is just sufficient to ensure the transmission of information at the rate and with the quality required under specified conditions.

Occupied bandwidth. For an emission, the width of a frequency band such that, below the lower and above the upper frequency limits, the mean powers emitted are each equal to 0.5% of the total mean power of the emission.

One-way communications. Communications where information always flows in one pre-arranged direction through a communications channel.

Operate. Control the functioning of a Personal Radio Service station; in particular, cause a Personal Radio Service station to begin, continue or cease transmitting.

Operator. An individual who operates a Personal Radio Service station.

Out-of-band emissions. Unwanted emissions that result from the modulation process and whose frequencies are immediately outside of the necessary bandwidth.

Person. An individual, a corporation, a partnership, an association, a joint stock company, a trust, a state, territorial or local government unit, or other legal entity.

Personal Radio Services station. Any transmitter, with or without an incorporated antenna or receiver, which is certified by the FCC to be operated in one or more of the Personal Radio Services.

Personal Radio Services. The Personal Radio Services are the citizens band radio services, radio control radio services, the 218–219 MHz Service and

individually licensed services comprising all of the radio services and other classifications of radio stations governed by the rules in this part (47 CFR part 95).

Plain language voice communications. Voice communications without codes or coded messages intended to provide a hidden meaning. Foreign languages and commonly known radio operating words and phrases, such as ''ten four'' and ''roger,'' not intended to provide a hidden meaning, are not considered codes or coded messages.

Radio control radio service. Pursuant to 47 U.S.C. 307(e)(3), the term ''radio control radio service'' means any radio service or other specific classification of radio stations used primarily for wireless telecommand and/or wireless telemetry purposes, for which the FCC has determined that it serves the public interest, convenience and necessity to authorize by rule the operation of radio stations in that service or class, without individual licenses, pursuant to 47 U.S.C. 307(e)(1).

Remote control. Operation of a Personal Radio Services station from a location that is not in the immediate vicinity of the transmitter. Operation of a Personal Radio Services station from any location on the premises, vehicle or craft where the transmitter is located is not considered to be remote control.

Repeater station. A station in a fixed location used to extend the communications range of mobile stations, hand-held portable units and control stations by receiving their signals on one channel (the input channel) and simultaneously retransmitting these signals on another channel (the output channel), typically with higher transmitting power from a favorable antenna location (typically high above the surrounding terrain).

Spurious emissions. Unwanted emissions, the level of which may be reduced without affecting the corresponding transmission of information, including harmonic emissions, parasitic emissions, intermodulation products and frequency conversion products, but excluding out-of-band emissions.

Network connection. Connection of a Personal Radio Services station to the public switched network, so that operators of other stations in that service are able to make (and optionally to receive) telephone calls through the connected station.

Transmit. Radiate electromagnetic energy.

Transmitter. A device which supplies radio frequency electrical energy to an antenna, either directly or through a feedline.

Transmitter type. A sample transmitter submitted for testing to evaluate compliance with the technical and design rules in this part, for the purpose of FCC certification pursuant to part 2, subpart J of this chapter. The sample transmitter is identical to (as defined in § 2.908 of this chapter) and representative of all other transmitters of the same type.

Two-way communications. Communications where information flows in both directions through a communications channel, either simultaneously (duplex operation) or alternately (simplex operation).

Unwanted emissions. Emissions whose frequencies are outside of the necessary bandwidth; comprising out-of-band emissions and spurious emissions.

User. Any person who uses or benefits from the operation of a Personal Radio Service station.

Voice obscuring feature. A feature incorporated into a Personal Radio Service telephony transmitter that alters the sound of the user's voice in such a way that the communications are intended to be understandable only to individuals using a similar unit that reverses the process on the receiving end, so that the voice again becomes intelligible.

§ 95.305 Authorization to operate Personal Radio Services stations

Pursuant to 47 U.S.C. 307(e)(1), this rule section authorizes eligible persons to operate part 95 Personal Radio Service stations and part 96 Citizens Broadband Radio Service stations without individual licenses, except as provided in paragraph (a). Such operation must comply with all applicable rules in this part.

(a) *Individual licenses.* A valid individual license may be required under this part to operate or use stations in a particular service, certain types of stations, stations transmitting on certain channels or frequency bands, or stations transmitting with power above a certain level. Any such requirements applicable to stations in any of the Personal Radio Services are set forth in the subpart governing that specific service. *See e.g.,* § 95.1705. Otherwise, the FCC does not require or accept applications for an individual license to operate any type of Personal Radio Service station.

(b) *Operator eligibility.* Some of the Personal Radio Services have specific operator eligibility requirements, which are set forth in the subparts governing those services. Otherwise, any person is eligible to operate a Personal Radio Service station, except as stated in paragraphs (c) and (d) of this section.

(c) *Foreign government operator.* No entity that is a foreign government or which is acting in its capacity as a representative of a foreign government is authorized by this section to operate Personal Radio Service stations.

(d) *Cease and desist order.* No person subject to a cease and desist order issued pursuant to § 95.313(d) is authorized by this section to operate Personal Radio Service stations.

(e) *Federal station.* No person is authorized by this section to operate a United States Government radio station.

(f) *Foreign station.* No person is authorized by this section to operate a foreign government radio station.

§ 95.307 Authorized station locations.

Personal Radio Service stations generally may be operated in any location included within the descriptions in the following paragraphs in this section. In certain specific locations, however, co-ordination procedures or operating restrictions may apply, as set forth in § 95.309. Operation of Personal Radio Service stations in any location outside of those described in the following paragraphs is not authorized by this part.

(a) *Within the United States and its territories.* Those areas include the fifty United States and the District of Columbia, the Commonwealth of Puerto Rico, Navassa Island, the United States Virgin Islands (50 islets and cays), American Samoa (seven islands), Baker Island, the Commonwealth of Northern Marianna Islands, Guam Island and Howland Island, Jarvis Island, Johnston Island (Islets East, Johnston, North and Sand), Kingman Reef, Midway Island (Islets Eastern and Sand), Palmyra Island (more than 50 islets), and Wake Island (Islets Peale, Wake and Wilkes).

(b) *Aboard any vessel or aircraft registered in the United States.* With the permission of the captain, while the vessel or aircraft is within or over the United States or its territories, U.S. territorial waters, or upon or over international waters.

(c) *Aboard any unregistered vessel or aircraft owned or operated by a United States citizen or company.* While that vessel or aircraft is within or over the United States or its territories, U.S. territorial waters or upon or over international waters.

(d) *Other locations.* Any other area of the world, except within the territorial limits of areas where radio services are regulated by:

(1) An agency of the United States other than the FCC. (You are subject to its rules.)

(2) Any foreign government. (You are subject to its rules.)

§ 95.309 Coordination procedures and other restrictions for operation in certain locations.

The operator of a Personal Radio Service station may be required to coordinate operation in advance and/or may be subject to operating restrictions if the station is to be operated in certain locations, described in the following paragraphs in this section.

(a) *In a Quiet Zone or near a protected FCC field office.* Rules for these locations are set forth in § 1.924 of this chapter.

(b) *Near a U.S. border or in an area that is or may be subject to an international treaty or agreement.* Treaties and agreements may be viewed or downloaded from the FCC Web site: *http://www.fcc.gov/ib/sand/agree/*.

(c) *At an environmentally sensitive site, or in a manner that may raise environmental concerns.* Rules for these locations are set forth in part 1, subpart I of this chapter (Procedures Implementing the National Environmental Policy Act of 1969).

(d) *In an area administered by the United States Government.* For example, the Department of Defense may impose restrictions on a station transmitting on land under its jurisdiction. Before operating a station at such a point, the operator should consult with the commanding officer in charge of the land.

(e) *Near the Arecibo Observatory.* Anyone planning to operate a Personal Radio Services station on the islands of Puerto Rico, Desecheo, Mona, Vieques, or Culebra in a manner that could pose an interference threat to the Arecibo Observatory must notify the observatory at least 45 days in advance of the planned operation, by mail or email, to the following address: Interference Office, Arecibo Observatory, HC3 Box 53995, Arecibo, Puerto Rico 00612; email: *prcz@naic.edu*.

(1) To determine whether a planned operation could pose an interference threat to the Arecibo Observatory, operators may consult interference guidelines provided by Cornell University.

(2) The notification must include the geographical coordinates of the station, if it is a fixed or base station.

(3) After receipt of such notifications, the FCC will allow the Arecibo Observatory 20 days to comment on or object to the proposed operation. The operator must make reasonable efforts to resolve or mitigate any potential interference concern with the Arecibo Observatory. If the FCC determines that an operator has made reasonable efforts to protect the Observatory from interference, the operator may be allowed to operate the station.

§ 95.311 Correspondence and notices from the FCC.

Operators of Personal Radio Service stations must respond to and comply with official communications from the FCC.

(a) The FCC may send a letter to the operator of a Personal Radio Service station requesting specific information about the Personal Radio Service station or its operation. Upon receipt of such a letter, the operator must respond in writing to the FCC office that sent the letter, within the time period stated in the letter. The written response must contain the information requested by the FCC, must be complete in itself, and should not rely on references to other communications or notices.

(b) If it appears to the FCC that the operator of a Personal Radio Services station has violated the Communications Act or the FCC's rules, the FCC may send that operator an official notice concerning the apparent violation. Upon receipt of such official notice, the operator must respond in writing to the FCC office that sent the letter, within the time period stated in the letter and comply with all instructions in the notice concerning the response. The written response must contain a complete written statement that fully addresses each violation, reports any action that the operator has taken to correct the violation and to prevent it from happening again, and any other pertinent information, such as other operators or stations that may have caused the violation.

(c) If the FCC notifies the operator of a Personal Radio Service station that the station is causing interference for technical reasons, the operator must follow all instructions in the official notice. The operator must comply with restricted hours of station operation if so specified in the official notice. The notice may require the operator to stop operating the station until technical adjustments or repairs have been made to the station equipment, such that the technical problem is corrected.

§ 95.313 Penalties for violations of the Communications Act or FCC rules.

Operators of Personal Radio Service stations may be assessed penalties for violations of the Communications Act and the FCC Rules.

(a) If a Federal court finds that a Personal Radio Service station operator has willfully and knowingly violated any provision of the Communications Act, that operator may be fined up to $10,000 or be imprisoned for a period not exceeding one year, or both. Upon a subsequent violation, the imprisonment may be for a period not exceeding two years. *See* § 501 of the Communications Act (47 U.S.C. 501).

(b) If a Federal court finds that a Personal Radio Service station operator has willfully and knowingly violated any FCC rule, the operator may be fined up to $500 for each violation, or in the case of a continuing violation, $500 for each day that the violation continued. *See* section 502 of the Communications Act (47 U.S.C. 502).

(c) If the FCC finds that a Personal Radio Service station operator has willfully or repeatedly violated one or more sections of the Communications Act or of the FCC Rules, that operator may be liable for forfeiture. See § 1.80 of this chapter for details about the forfeiture procedures and amounts.

(d) If the FCC finds that a Personal Radio Service station operator is using a Personal Radio Service station in a way that violates one or more sections of the Communications Act or of the FCC Rules, the FCC may order the operator to cease and desist (*i.e.,* immediately stop operating the station). *See* § 312(b) of the Communications Act (47 U.S.C. 312(b)).

§ 95.315 [Reserved]

§ 95.317 Registration of antenna structures that may constitute a menace to air navigation.

(a) Each antenna structure used for a Personal Radio Service station is subject to the antenna structure rules set forth in part 17 of this chapter. In particular, the owner of an antenna structure that is more than 60.96 m (200 ft) in height above ground level (*see* § 17.7 of this chapter for specific criteria) may be required to notify the FAA and register the antenna structure with the FCC.

(b) Further, stations located on or near a military or public-use airport with an antenna structure that is more than 6.10 meters (20 feet) high may have to obey additional restrictions. The highest point of the antenna must not exceed one meter above the airport elevation for every hundred meters of distance from the nearest point of the nearest airport runway. Differences in ground elevation between the antenna and the airport runway may complicate this formula. For stations near an airport, *see http://appsint.fcc.gov/UlsApp/AsrSearch/towairSearch.jsp* to figure the maximum allowable height of the antenna. Consult part 17 of the FCC's Rules for more information (47 CFR part 17).

§ 95.319 Malfunctioning transmitting equipment.

If the operator of a Personal Radio Services station becomes aware that the transmitting equipment is no longer functioning properly, he or she must stop making transmissions (except for emergency communications) using the malfunctioning transmitting equipment until it has been adjusted and/or repaired, as necessary, to restore proper operation.

(a) *FCC request to discontinue operation.* If an FCC representative informs a Personal Radio Services station operator that the technical characteristics of his or her transmitted signals are not in compliance with the applicable rules (*e.g.,* regarding power, unwanted emissions, frequency accuracy), he or she must immediately stop making transmissions with the transmitter producing the non-compliant signals.

(b) *Internal repairs.* Internal adjustments and repairs to Personal Radio Services transmitters must be performed by or under the supervision of an individual who is qualified to maintain and repair transmitters.

(c) *Test transmissions.* The operator of any Personal Radio Services station may make brief test transmissions to verify the functional status of the transmitting equipment at any time, provided that such transmissions do not cause interference to the communications of other stations. A qualified individual maintaining or repairing a Personal Radio station transmitter in accordance with paragraph (b) of this section may make test transmissions as necessary to maintain or repair the transmitter, provided that such transmissions do not cause interference to communications of other stations.

§ 95.321 [Reserved]

§ 95.323 FCC inspection of station.

If an authorized FCC representative requests to inspect any station in the Personal Radio Services, the station operator or licensee must make the station and any applicable records available for inspection.

§ 95.325 Interference.

Operators of Personal Radio Service stations experiencing or causing interference must first attempt to eliminate the interference by means of mutually satisfactory arrangements. If the operators are unable to resolve an interference problem, the FCC may impose restrictions including specifying the channels, maximum transmitting power, maximum antenna height and geographic area or hours of operation of the stations concerned.

§ 95.327 Restricted operation.

The FCC may deny or restrict the use by any operator(s) of any specified channel(s) in a specified geographic area if, in the judgment of the FCC, such use is not in the public interest. Furthermore, the FCC may restrict the use by any particular operator(s) of any channel as to geographical area of operation, transmitting power, or other operating conditions.

§ 95.329 How to contact the FCC.

For information about the Personal Radio Services, see the FCC's internet Web site (*www.fcc.gov*). To speak with an FCC representative about the Personal Radio Services, call the FCC's information line 888–CALL–FCC (888–225–5322). To write the FCC about these services, address the Federal Communications Commission, Attention: Mobility Division, Wireless Telecommunications Bureau, 445 12th Street SW., Washington, DC 20554.

§ 95.331 Permissible uses.

Personal Radio Services stations may be used only for the purposes set forth in the rules applicable to each specific Personal Radio Service.

§ 95.333 Prohibited uses.

No person shall use a Personal Radio Service station:

(a) In connection with any activity which is against Federal, State or local law;

(b) To transmit advertisements or program material associated with television or radio broadcasting;

(c) To transmit messages for hire or provide a common carrier service;

(d) To intentionally interfere with the communications of another station;

(e) To transmit obscene, profane or indecent words, language or meaning; or

(f) To transmit a false or deceptive communication.

§ 95.335 Operation of non-certified transmitters prohibited.

Except as provided in paragraph (a) of this section, no person shall operate a transmitter in any Personal Radio Service unless it is a certified transmitter; that is, a transmitter of a type which has obtained a grant of equipment certification for that service, pursuant to part 2, subpart J of this chapter. Use of a transmitter that is not FCC-certified voids the user's authority to operate that station. *See* sections 302(a), (b), and (e) of the Communications Act (47 U.S.C. 302(a), (b), and (e)).

(a) *Exceptions.* Under certain exceptions, non-certified Personal Radio Service transmitters, or transmitters certified for use in the land mobile radio services may be operated. Any such exceptions applicable to stations in a Personal Radio Service are set forth in the subpart governing that specific service. *See e.g.,* §§ 95.735 and 95.1735.

(b) *Revoked or withdrawn certification.* In the event that the FCC revokes or withdraws a grant of equipment certification for a type of Personal Radio Service transmitter, existing transmitters already in service may continue to be operated unless and until the FCC determines otherwise and gives Public Notice of that decision.

(c) *Grantee permissible modifications.* Only the grantee of the equipment certification may modify the design of a certified Personal Radio Service transmitter type, and then only pursuant to and in full compliance with the requirements and procedures for permissible changes and modifications in part 2 of this chapter. *See* §§ 2.932 and 2.1043 of this chapter.

§ 95.337 Operation of impermissibly modified equipment prohibited.

No person shall modify any Personal Radio Service transmitter in a way that changes or affects the technical functioning of that transmitter such that operation of the modified transmitter results in a violation of the rules in this part. This includes any modification to provide for additional transmit frequencies, increased modulation level, a different form of modulation, or increased transmitter output power (either mean power or peak envelope power or both). Any such modification voids the certified status of the modified transmitter and renders it unauthorized for use in the Personal Radio Services. Also, no person shall operate any Personal Radio Service transmitter that has been so modified.

§ 95.339 Operation of transmitter with external device causing rule violation prohibited.

No person shall operate any Personal Radio Service transmitter to which an external device or accessory has been added such that operation of the combination results in a violation of the rules.

§ 95.341 [Reserved]

§ 95.343 Station operator responsibility and requirements.

Each Personal Radio Services station must have an operator whenever the station is transmitting. The operator of a Personal Radio Services station is responsible for proper operation of the station in compliance with all applicable rules in this part.

(a) Unless the station is operating under automatic control, the operator of a Personal Radio Services station must be located at a control point and monitoring communications while the station is transmitting.

(b) For Personal Radio Services stations operating under the authority of an individual license, the licensee is responsible for proper operation of the station in compliance with all applicable rules in this part, regardless of who is operating the station.

(c) For Personal Radio Services stations operating under the authority of an individual license, the licensee must maintain station records. If no individual license is required for a particular Personal Radio Service, the station operator must maintain the station records. Station records include copies of any FCC violation notices or other FCC letters received by the licensee or operator, any responses to such letters, each written permission received from the FCC, and other documents as the FCC may require be included.

§ 95.345 Remote control.

Operation of Personal Radio Services stations by remote control is prohibited, unless otherwise allowed for a particular Personal Radio Service by rules in the subpart governing that specific service. *See e.g.,* §§ 95.945 and 95.1745.

§ 95.347 Automatic control.

Operation of Personal Radio Services stations under automatic control is prohibited, unless otherwise allowed for a particular Personal Radio Service by rules in the subpart governing that specific service. *See e.g.,* §§ 95.1747, 95.2347, and 95.2547.

§ 95.349 Network connection.

Operation of Personal Radio Services stations connected with the public switched network is prohibited, unless otherwise allowed for a particular Personal Radio Service by rules in the subpart governing that specific service. *See e.g.,* §§ 95.949 and 95.2749.

§ 95.351 Station identification.

Operators of Personal Radio Services stations are not required to transmit any form of station identification, unless otherwise required for a Personal Radio Service by rules in the subpart governing that specific service. *See e.g.,* § 95.1751.

§ 95.353 False distress signals.

No person shall transmit or cause to be transmitted by a Personal Radio Services station any false or fraudulent signals of distress, or communication relating thereto. *See* section 325(a) of the Communications Act (47 U.S.C. 325(a)).

§ 95.355 [Reserved]

§ 95.357 Duration of transmissions.

Except as otherwise provided, the operator of a Personal Radio Services station must generally limit transmissions to the minimum duration necessary. *See e.g.,* § 95.2357. Some Personal Radio Services have specific duration limits, which are set forth in the subparts governing those services. *See e.g.,* § 95.957.

§ 95.359 Sharing of channels.

Unless otherwise provided in the subparts governing the individual services, all channels designated for use in the Personal Radio Services are available for use on a shared basis, and are not assigned by the FCC for the exclusive use of any person or station. Operators of Personal Radio Service stations must cooperate in the selection and use of channels in order to avoid interference and make efficient use of these shared channels.

§ 95.361 Transmitter Certification.

(a) Unless otherwise provided in the subpart governing that service or in other parts of this chapter, each transmitter that operates or is intended to operate in a service of the Personal Radio Service must be certified in accordance with the governing subpart and part 2 of this Chapter.

(b) A copy of the instruction manual specified in § 95.393 must be forwarded to the FCC with each request for certification of the relevant transmitter. If a final copy of that manual is not available when the certification application is submitted, the applicant may include with its application a draft or preliminary copy provided it forwards a final copy to the FCC when such a copy becomes available.

(c) Equipment certification will not be issued for transmitter types where any control, switch or other type of adjustment—which, when manipulated, can result in a violation of the rules—is accessible to the user.

§ 95.363 Channels available for use.

Operators of Personal Radio Stations may transmit only on the channels or frequency bands designated for the specific Personal Radio Service being used, as listed in the individual subpart governing that service. Transmissions on any channel or frequency not designated for the service being used constitutes a violation of section 301 of the Communications Act (47 U.S.C. 301).

§ 95.365 [Reserved]

§ 95.367 Transmitting power.

For transmission of emergency messages, where operators of Personal Radio Services stations have the ability to select transmitting power levels, the highest transmitting power available may be used. In all other circumstances, the minimum amount of transmitting power necessary to carry out the desired communications must be used. *See* section 324 of the Communications Act (47 U.S.C. 324).

§ 95.369 [Reserved]

§ 95.371 Emission types.

In general, Personal Radio Services stations may transmit any emission type that is appropriate for the permissible uses of the specific service, provided that it does not exceed the authorized bandwidth for that service and is in full compliance with the modulation limits (if any) and unwanted emission limits for the specific service.

(a) *Exceptions.* In some of the Personal Radio Services, stations may transmit only certain specific emission types. Any such limits are set forth in the emission types rule in the subpart governing that service. *See e.g.,* §§ 95.971 and 95.2971.

(b) *Emission type designators.* Emission type designators are defined in § 2.201 of this chapter. Designators for emissions commonly used in the Personal Radio Services are as follows:

Description	Designator
Voice, AM	A3E
Voice, SSB	J3E
Voice, FM	F3E
Voice, PM	G3E
Data, FSK	F1D
Data, AFSK	F2D
Data, PSK	G1D
Test, no modulation	N0N

§ 95.377 Tones and signals.

Personal Radio Service stations that transmit voice emissions may also transmit audible or subaudible tones or other signals for the purpose of selective calling and/or receiver squelch activation. These tones and signals are ancillary to voice communications and are considered to be included within the voice emission types, *e.g.,* A3E, F3E, and G3E.

(a) Tones that are audible (having a frequency higher than 300 Hertz), must last no longer than 15 seconds at one time.

(b) Tones that are subaudible (having a frequency of 300 Hertz or less), may be transmitted continuously during a communication session.

§ 95.381 Voice obscuring features.

A grant of equipment certification will not be issued for any transmitter type that incorporates one or more voice scrambling or other obscuring features for any of the Personal Radio Services that provide for voice (telephony) communications on shared channels (*see* § 95.359), if the application for such grant is filed on or after December 27, 2017.

§ 95.385 RF exposure evaluation.

(a) Personal Radio Services devices are subject to the radio frequency radiation exposure requirements specified in §§ 1.1307(b), 2.1091 and 2.1093 of this chapter, as appropriate.

(b) FCC certification (*see* § 95.335) of transmitter types that are ''portable devices,'' as defined in § 2.1093(b) of this chapter, and are designed to operate in certain Personal Radio Services, is subject to rules requiring radiofrequency radiation exposure routine evaluation pursuant to §§ 1.1307(b) and 2.1093 of this chapter. *See* §§ 95.2385 and 95.2585.

§ 95.391 Manufacturing, importation, and sales of non-certified equipment prohibited.

No person shall manufacture, import, sell or offer for sale non-certified equipment for the Personal Radio Services. *See* § 302(b) of the Communications Act (47 U.S.C. 302a(b)). *See also* part 2, subpart I (§ 2.801 *et. seq.*) of this chapter for rules governing marketing of radiofrequency devices.

(a) *Revoked or withdrawn certification.* In the event that the FCC revokes or withdraws a grant of equipment certification for a type of Personal Radio Service transmitter, the FCC will provide specific instructions and dates for cessation of manufacturing, importation and sales of the affected equipment.

(b) *External radio frequency power amplifiers.* No person shall manufacture, import, sell or offer for sale any external radio frequency power amplifier that is capable of operation on any frequency below 144 MHz and is intended for use in the Personal Radio Services. *See also* § 2.815 of this chapter.

(c) *Voice obscuring radios.* Effective September 30, 2019, no person shall manufacture, or import, sell or offer for sale any radio that incorporates one or more voice scrambling or other obscuring features where such radio is intended for use in any of the Personal Radio Services that provide for voice (telephony) communications on shared channels (*see* § 95.359) regardless of whether the Commission has previously certified that radio.

§ 95.393 Instructions and warnings.

(a) A user's instruction manual must be supplied with each transmitter that can be used in a Personal Radio Service.

(b) The manual described in paragraph (a) of this section must contain all information necessary for the proper installation and operation of the transmitter including:

(1) Instructions concerning all controls, adjustments and switches that may be operated or adjusted without resulting in a violation of FCC rules;

(2) Warnings concerning any adjustment that could result in a violation of FCC rules or that is recommended to be performed only by or under the immediate supervision and responsibility of a person certified as technically qualified to perform transmitter maintenance and repair duties in the relevant radio service by an organization or committee representative of users of that service;

(3) Warnings concerning the replacement of any transmitter component (crystal, semiconductor, etc.) that could result in a violation of FCC rules; and

(4) For a transmitter that can only be operated with an FCC license, warnings concerning compliance with applicable licensing requirements and information concerning license application procedures.

§ § 95.395–95.499 [Reserved]

Subpart B—Family Radio Service (FRS)

§ 95.501 Scope.

This subpart contains rules that apply only to the Family Radio Service (FRS).

§ 95.503 Definitions, FRS.

Family Radio Service (FRS). A short-distance two-way voice communication service, with limited data applications, between low power hand-held radios, for facilitating individual, family, group, recreational and business activities.

FRS unit. A transceiver for use in the FRS.

§§ 95.505–95.517 [Reserved]

§ 95.519 FRS replacement parts.

The operator of a FRS unit may replace the batteries in the FRS unit with batteries of a type specified by the manufacturer. All other internal maintenance and repairs must be carried out in accordance with § 95.319.

§§ 95.521–95.529 [Reserved]

§ 95.531 Permissible FRS uses.

FRS units are primarily used for short-distance two-way voice communications between individuals.

(a) *Digital data.* In addition to voice conversations, FRS units may transmit digital data containing location information, or requesting location information from one or more other FRS or GMRS units, or containing a brief text message to another specific GMRS or FRS unit. Digital data transmissions must be initiated by a manual action of the operator, except that a FRS unit receiving an interrogation request may automatically respond with its location. *See also* § 95.587(c).

(b) *One-way communications.* FRS units may be used for one-way communications that are emergency messages, traveler assistance communications, voice pages or brief equipment tests.

(c) *GMRS stations.* FRS units normally communicate with other FRS units, but may also be used to communicate with General Mobile Radio Service (GMRS) stations.

§ 95.533 Prohibited FRS uses.

FRS units must not be used for one-way communications other than those listed in § 95.531(b). Initial transmissions to establish two-way communications and data transmissions listed in § 95.531(a) are not considered to be one-way communications for the purposes of this section.

§ § 95.535–95.559 [Reserved]

§ 95.561 FRS transmitter certification.

(a) Each FRS unit (a transmitter that operates or is intended to operate in the FRS) must be certficated for use in the FRS in accordance with this subpart and subpart J of part 2 of this chapter.

(b) A grant of equipment certification for the FRS will not be issued for any FRS transmitter type that fails to comply with all of the applicable rules in this subpart.

(c) A grant of equipment certification will not be issued for hand-held portable radio units capable of operating under both this subpart (FRS) and under any other subparts of this chapter (except part 15) if the application for such grant is filed on or after December 27, 2017.

§ 95.563 FRS channels.

The FRS is allotted 22 channels, each having a channel bandwidth of 12.5 kHz. All of the FRS channels are also allotted to the General Mobile Radio Service (GMRS) on a shared basis. The

FRS channel center frequencies are set forth in the following table:

Channel No.	Center frequency (MHz)
1	462.5625
2	462.5875
3	462.6125
4	462.6375
5	462.6625
6	462.6875
7	462.7125
8	467.5625
9	467.5875
10	467.6125
11	467.6375
12	467.6625
13	467.6875
14	467.7125
15	462.5500
16	462.5750
17	462.6000
18	462.6250
19	462.6500
20	462.6750
21	462.7000
22	462.7250

§ 95.565 FRS frequency accuracy.

Each FRS transmitter type must be designed such that the carrier frequencies remain within ±2.5 parts-per-million of the channel center frequencies specified in § 95.563 during normal operating conditions.

§ 95.567 FRS transmit power.

Each FRS transmitter type must be designed such that the effective radiated power (ERP) on channels 8 through 14 does not exceed 0.5 Watts and the ERP on channels 1 through 7 and 15 through 22 does not exceed 2.0 Watts.

§ 95.569 [Reserved]

§ 95.571 FRS emission types.

Each FRS transmitter type must be designed such that it can transmit only the following emission types: F3E, G3E, F2D, and G2D.

§ 95.573 FRS authorized bandwidth.

Each FRS transmitter type must be designed such that the occupied bandwidth does not exceed 12.5 kHz.

§ 95.575 FRS modulation limits.

Each FRS transmitter type must be designed such that the peak frequency deviation does not exceed 2.5 kHz, and the highest audio frequency contributing substantially to modulation must not exceed 3.125 kHz.

§ 95.577 FRS tone requirements.

In addition to the tones permitted under § 95.377, FRS transmitter types may be designed to transmit brief tones to indicate the end of a transmission.

§ 95.579 FRS unwanted emissions limits.

Each FRS transmitter type must be designed to satisfy the applicable unwanted emissions limits in this paragraph.

(a) *Attenuation requirements.* The power of unwanted emissions must be attenuated below the carrier power output in Watts (P) by at least:

(1) 25 dB (decibels) in the frequency band 6.25 kHz to 12.5 kHz removed from the channel center frequency.

(2) 35 dB in the frequency band 12.5 kHz to 31.25 kHz removed from the channel center frequency.

(3) 43 + 10 log (P) dB in any frequency band removed from the channel center frequency by more than 31.25 kHz.

(b) *Measurement bandwidths.* The power of unwanted emissions in the frequency bands specified in paragraphs (a)(1) and (2) of this section is measured with a reference bandwidth of 300 Hz. The power of unwanted emissions in the frequency range specified in paragraph (a)(3) is measured with a reference bandwidth of at least 30 kHz.

(c) *Measurement conditions.* The requirements in this section apply to each FRS transmitter type both with and without the connection of permitted attachments, such as an external speaker, microphone and/or power cord.

§§ 95.581–95.585 [Reserved]

§ 95.587 FRS additional requirements.

Each FRS transmitter type must be designed to meet the following additional requirements.

(a) *Transmit frequency capability.* FRS transmitter types must not be capable of transmitting on any frequency or channel other than those listed in § 95.563.

(b) *Antenna.* The antenna of each FRS transmitter type must meet the following requirements.

(1) The antenna must be a non-removable integral part of the FRS transmitter type.

(2) The gain of the antenna must not exceed that of a half-wave dipole antenna.

(3) The antenna must be designed such that the electric field of the emitted waves is vertically polarized when the unit is operated in the normal orientation.

(c) *Digital data transmissions.* FRS transmitter types having the capability to transmit digital data must be designed to meet the following requirements.

(1) FRS units may transmit digital data containing location information, or requesting location information from one or more other FRS or GMRS units, or containing a brief text message to another specific FRS or GMRS unit or units.

(2) Digital data transmissions must be initiated by a manual action or command of the operator, except that FRS units may be designed to automatically respond with location data upon receiving an interrogation request from another FRS unit or a GMRS unit.

(3) Digital data transmissions must not exceed one second in duration.

(4) Digital data transmissions must not be sent more frequently than one digital data transmission within a thirty-second period, except that an FRS unit may automatically respond to more than one interrogation request received within a thirty-second period.

(d) *Packet mode.* FRS transmitter types must not be capable of transmitting data in the store-and-forward packet operation mode.

(e) Effective September 30, 2019, no person shall manufacture or import hand-held portable radio equipment capable of operating under this subpart (FRS) and other licensed or licensed-by-rule services in this chapter (part 15 unlicensed equipment authorizations are permitted if consistent with part 15 rules).

§ 95.589 [Reserved]

§ 95.591 Sales of FRS combination radios prohibited.

Effective September 30, 2019, no person shall sell or offer for sale hand-held portable radio equipment capable of operating under this subpart (FRS) and under any other licensed or licensed-by-rule radio services in this chapter (devices may be authorized under this subpart with part 15 unlicensed equipment authorizations).

§§ 95.593–95.699 [Reserved]

Subpart C—Radio Control Radio Service

§ 95.701 Scope.

This subpart contains rules that apply only to the Radio Control Radio Service (RCRS).

§ 95.703 Definitions, RCRS.

Model aircraft. A small imitation of an aircraft, such as an airplane or a helicopter.

Model surface craft. A small imitation of a boat, car, or other type of vehicle for carrying people or objects, other than an aircraft.

Radio Control Radio Service (RCRS). A non-commercial short-distance radio service for wirelessly controlling the

operation of devices, including, but not limited to, model vehicles such as aircraft and surface craft.

RCRS transmitter. A transmitter that is used or intended to be used in the RCRS.

§§ 95.705–95.717 [Reserved]

§ 95.719 RCRS replacement parts.

The operator of an RCRS transmitter may replace parts of an RCRS transmitter as indicated in this section. All other internal maintenance and repairs must be carried out in accordance with § 95.319.

(a) A damaged antenna may be replaced by another antenna of the same or a compatible similar type.

(b) Batteries in the RCRS transmitter may be replaced with batteries of a type specified by the manufacturer.

(c) To change plug-in modules which were certified as part of the RCRS transmitter.

§§ 95.721–95.723 [Reserved]

§ 95.725 Interference, RCRS.

RCRS operations must not cause interference to, and must accept interference from, certain other radio service operations, as follows:

(a) RCRS stations must not cause interference to:

(1) Authorized radio operations in the 72–76 MHz band, including radio remote control of industrial equipment on the same or adjacent channels; or,

(2) Broadcast television reception on TV Channels 4 or 5.

(b) RCRS operations are not afforded protection from interference caused by the operation of:

(1) Industrial, scientific or medical devices (*see* part 18 of this chapter) operating in the 26–28 MHz band; and,

(2) Fixed and mobile stations in other services operating on the same or adjacent channels.

§§ 95.727–95.729 [Reserved]

§ 95.731 Permissible RCRS use.

RCRS transmitters may only be used to transmit one-way communications and only for the purposes set forth in this section. (One-way communications are transmissions which are not intended to establish communications with another station.)

(a) *Control of model crafts and devices.* When an RCRS transmitter is used to control a model craft or device, the RCRS channels in specific frequency bands must be used, based on the type of model craft or device being controlled, as follows:

(1) RCRS channels in the 72 MHz frequency band may be used only to control and operate model aircraft.

(2) RCRS channels in the 75 MHz frequency band may be used only to control and operate model surface craft.

(3) RCRS channels in the 26–28 MHz frequency band may be used to control or operate any kind of device.

(b) *Telecommand.* Any RCRS channel may be used by the operator to turn on and/or off a device at a remote location.

(c) *Telemetry.* Any RCRS channel in the 26–28 MHz frequency band may be used to transmit a signal from a sensor at a remote location that turns on and/or off an indicating device for the operator.

§ 95.733 Prohibited RCRS use.

The rules in this section restrict certain uses of RCRS transmitters.

(a) *Simultaneous use of multiple channels.* An RCRS station must not transmit simultaneously on more than one RCRS channel in the 72–76 MHz band when such operation would cause harmful interference to other RCRS operations.

(b) *Data transmission.* No person shall use a RCRS transmitter to transmit data. Tones or other types of signal encoding are not considered to be data for the purposes of this paragraph, when used only for the purpose of identifying the specific device among multiple devices that the operator intends to turn on/off or the specific sensor among multiple sensors intended to turn on/off an indicating device for the operator.

(c) *Pay for operation prohibited.* RCRS stations must not be used for commercial purposes. An RCRS operator must not accept direct or indirect payment for operating an RCRS transmitter. An RCRS operator may use an RCRS transmitter to help him or her provide a service and be paid for rendering that service, provided that the payment is only for the service and not for operation of the RCRS transmitter.

(d) *Limited transmission.* No person shall use an RCRS station to transmit any message other than for the operation of devices at remote locations. Accordingly, the transmission of other messages by an RCRS operator, such as voice, telegraphy, etc. is prohibited.

§ 95.735 RCRS equipment certification exception.

Notwithstanding the general requirement of § 95.335, a non-certified RCRS transmitter that transmits only in the 26–28 MHz band and complies with the applicable technical requirements in this subpart may be operated in the RCRS for the purpose of controlling a remote device.

§§ 95.737–95.739 [Reserved]

§ 95.741 RCRS antenna height limit.

If the antenna of a RCRS station operating on a channel in the 26–28 MHz frequency band (whether receiving, transmitting) is installed at a fixed location, the highest point of the antenna must not be more than 6.10 meters (20 feet) higher than the highest point of the building or tree on which it is mounted; or 18.3 meters (60 feet) above the ground. RCRS station antennas must also meet the requirements in § 95.317 regarding menaces to air navigation. *See* 47 CFR 95.317 and consult part 17 of the FCC's Rules for more information (47 CFR part 17).

§ 95.743 [Reserved]

§ 95.745 Operation of an RCRS transmitter by remote control.

This section sets forth the conditions under which an RCRS station may be operated by remote control, pursuant to the exception in § 95.345.

(a) *Wireless remote control.* No person shall operate a RCRS station by wireless remote control.

(b) *Wired remote control.* Before operating an RCRS station by wired remote control, the operator must obtain specific approval from the FCC. To obtain FCC approval, the operator must explain why wired remote control is needed.

§§ 95.747–95.755 [Reserved]

§ 95.757 Duration of RCRS Communications.

Communications on RCRS channels shall be limited to the minimum practicable time that is necessary.

§ 95.759 [Reserved]

§ 95.761 RCRS transmitter certification.

(a) Except as provided in § 95.735, each RCRS transmitter (a transmitter that operates or is intended to operate as a station in the RCRS) must be certified in accordance with this subpart and part 2 of this chapter.

(b) A grant of equipment certification for the RCRS will not be issued for any RCRS transmitter type that fails to comply with all of the applicable rules in this subpart.

§ 95.763 RCRS channel frequencies.

The channels listed in this section are allotted for shared use in the RCRS. Each RCRS channel is designated by its center frequency in megahertz.

(a) *26–28 MHz frequency band.* The 26–28 MHz RCRS channel center frequencies are 26.995, 27.045, 27.095, 27.145, 27.195 and 27.255 MHz.

(b) *72 MHz frequency band.* The 72 MHz RCRS channel center frequencies are 72.01, 72.03, 72.05, 72.07, 72.09, 72.11, 72.13, 72.15, 72.17, 72.19, 72.21, 72.23, 72.25, 72.27, 72.29, 72.31, 72.33, 72.35, 72.37, 72.39, 72.41, 72.43, 72.45, 72.47, 72.49, 72.51, 72.53, 72.55, 72.57, 72.59, 72.61, 72.63, 72.65, 72.67, 72.69, 72.71, 72.73, 72.75, 72.77, 72.79, 72.81, 72.83, 72.85, 72.87, 72.89, 72.91, 72.93, 72.95, 72.97, and 72.99 MHz.

(c) *75 MHz frequency band.* The 75 MHz RCRS channel center frequencies are 75.41, 75.43, 75.45, 75.47, 75.49, 75.51, 75.53, 75.55, 75.57, 75.59, 75.61, 75.63, 75.65, 75.67, 75.69, 75.71, 75.73, 75.75, 75.77, 75.79, 75.81, 75.83, 75.85, 75.87, 75.89, 75.91, 75.93, 75.95, 75.97, and 75.99 MHz.

§ 95.765 RCRS frequency accuracy.

Each RCRS transmitter type must be designed to satisfy the frequency accuracy requirements in this section.

(a) Each RCRS transmitter type capable of transmitting on channels in the 72 or 75 MHz frequency band must be designed such that the carrier frequencies remain within ±20 parts-per-million (ppm) of the channel center frequencies listed in § 95.763(b) and (c) during normal operating conditions.

(b) Except as allowed under paragraph (c) of this section, each RCRS transmitter type capable of transmitting in the 26–28 MHz frequency band must be designed such that the carrier frequencies remain within ±50 ppm of the channel center frequencies listed in § 95.763(a) during normal operating conditions.

(c) Each RCRS transmitter type that transmits in the 26–28 MHz frequency band with a mean transmitter power of 2.5 W or less and is used solely by the operator to turn on and/or off a device at a remote location, other than a device used solely to attract attention, must be designed such that the carrier frequencies remain within ±100 ppm of the channel center frequencies listed in § 95.763(a) during normal operating conditions.

§ 95.767 RCRS transmitter power.

Each RCRS transmitter type must be designed such that the transmitter power does not exceed the limits in this section.

(a) *72 and 75 MHz frequency bands.* For an RCRS transmitter operating in the 72 and/or 75 MHz frequency bands, the mean transmitter output power must not exceed 0.75 Watts.

(b) *26–28 MHz frequency band.* For an RCRS transmitter operating on 27.255 MHz, the mean transmitter output power must not exceed 25 Watts. For an RCRS transmitter operating on 26.995, 27.045, 27.095, 27.145, or 27.195 MHz, the mean transmitter output power must not exceed 4 Watts.

§ 95.769 [Reserved]

§ 95.771 RCRS emission types.

Each RCRS transmitter type must be designed to satisfy the emission limitations in this section.

(a) *Permitted emission types.* RCRS transmitter types may transmit any type of non-voice emission that is technically appropriate for radio control use.

(b) *Voice emissions prohibited.* RCRS transmitter types must be incapable of transmitting telephony (voice communications).

§ 95.773 RCRS authorized bandwidth.

Each RCRS transmitter type must be designed such that the occupied bandwidth does not exceed 8 kHz for any emission type.

§§ 95.775–95.777 [Reserved]

§ 95.779 RCRS unwanted emissions.

Each RCRS transmitter type must be designed to satisfy the applicable unwanted emissions limits in this paragraph.

(a) *26–28 MHz frequency band.* For an RCRS transmitter operating in the 26–28 MHz frequency band, the power of unwanted emissions must be attenuated below the transmitter output power in Watts (P) by at least:

(1) 25 dB (decibels) in the frequency band 4 kHz to 8 kHz removed from the channel center frequency;

(2) 35 dB in the frequency band 8 kHz to 20 kHz removed from the channel center frequency;

(3) 43 + 10 log (P) dB in any frequency band removed from the channel center frequency by more than 20 kHz.

(b) *72 and 75 MHz frequency bands.* For an RCRS transmitter operating in the 72 and/or 75 MHz frequency bands, the power of unwanted emissions must be attenuated below the transmitter output power in Watts (P) by at least:

(1) 25 dB (decibels) in the frequency band 4 kHz to 8 kHz removed from the channel center frequency;

(2) 45 dB in the frequency band 8 kHz to 10 kHz removed from the channel center frequency;

(3) 55 dB in the frequency band 10 kHz to 20 kHz removed from the channel center frequency; and

(4) 56 + 10 log (P) dB in any frequency band removed from the channel center frequency by more than 20 kHz.

(c) *Measurement bandwidths.* The power of unwanted emissions in the frequency bands specified in paragraphs (a)(1) and (2) and (b)(1) through (3) of this section is measured with a reference bandwidth of 300 Hz. The power of unwanted emissions in the frequency ranges specified in paragraphs (a)(3) and (b)(4) of this section is measured with a reference bandwidth of at least 30 kHz.

§§ 95.781–95.785 [Reserved]

§ 95.787 RCRS additional requirements.

Each RCRS transmitter type must be designed to satisfy all of the following additional requirements:

(a) The antenna of an RCRS station transmitting in the 72 and/or 75 MHz frequency bands must meet the following requirements:

(1) The antenna must be an integral part of the transmitter;

(2) The gain of the antenna must not exceed that of a half-wave dipole; and

(3) The antenna must be designed such that the electric field of the emitted radio waves is vertically polarized when the transmitter is held in the normal orientation.

(b) Each RCRS transmitter type must be designed to transmit only on one or more of the channels listed in § 95.763.

(c) For RCRS transmitter types incorporating plug-in frequency-determining modules that are intended to be changed by the operator, the modules must be submitted for certification together with the transmitter type. Each module must contain all of the frequency determining circuitry including the oscillator. Plug-in crystals are not considered modules and must not be accessible to the user.

§§ 95.789–95.899 [Reserved]

Subpart D—CB Radio Service

§ 95.901 Scope.

This subpart contains rules that apply only to the CB Radio Service.

§ 95.903 Definitions, CBRS.

CB Radio Service (CBRS). A mobile and fixed two-way voice communication service for facilitating personal, business or voluntary public service activities, including communications to provide assistance to highway travelers.

CBRS station. Any transmitter, with or without an incorporated antenna or receiver, which is certified by the FCC to be operated in the CBRS.

Conversation. An exchange of transmissions between two CBRS stations.

Wireless remote control. Operation of a CBRS station from a remote location using a wireless link.

§ 95.905 Authority to operate CBRS stations voided by violation of operating rules.

A person's authorization to operate a CBRS station without an individual license pursuant to § 95.305 is voided if that person violates any of the operating rules in this subpart, this part, or other parts of this chapter.

§§ 95.907–95.917 [Reserved]

§ 95.919 CBRS replacement parts.

The operator of a CBRS transmitter may replace parts of the CBRS transmitter as stated in this section. All other internal maintenance and repairs must be carried out in accordance with § 95.319.

(a) A damaged antenna on a hand-held portable CBRS transmitter may be replaced by another antenna of the same or a compatible similar type.

(b) Batteries in a hand-held portable CBRS transmitter may be replaced with batteries of a type specified by the manufacturer.

(c) A detachable external microphone may be replaced with any external microphone that does not alter the modulation characteristics in a way that results in a violation of §§ 95.967, 95.973, 95.975 or 95.979.

(d) Changing plug-in modules which were certified as part of the CBRS transmitter.

§ 95.921 [Reserved]

§ 95.923 CBRS station inspection.

If an authorized FCC representative requests to inspect a CBRS station, the operator must make the station and any station records available for inspection.

(a) A CBRS station includes all of the equipment used in connection with that station.

(b) Station records include the following documents, as applicable:

(1) A copy of each response to an FCC violation notice or an FCC letter.

(2) Each written permission received from the FCC.

§ 95.925 CBRS harmful interference.

If harmonic or other spurious emissions result in harmful interference, the FCC may require appropriate technical changes in the CBRS station equipment to alleviate the interference, including the use of a low pass filter between the transmitter antenna terminals and the antenna feed line.

§ 95.927 CBRS quiet hours.

If a CBRS station causes harmful interference to broadcast or communications services received by the public, and such harmful interference can not be eliminated by technical means (*i.e.,* filters), the FCC may, by written notice to the CBRS station operator, impose limits on the hours of operation of the CBRS station.

§ 95.929 [Reserved]

§ 95.931 Permissible CBRS uses.

The operator of a CBRS station may use that station to transmit two-way plain language voice communications to other CBRS stations and to other stations that are authorized to transmit on CBRS frequencies.

(a) *Emergency communications.* Any CBRS channel may be used for emergency communications or for traveler assistance.

(1) Operators of CBRS stations must, at all times and on all channels, give priority to emergency communications.

(2) CBRS Channel 9 may be used only for emergency communications or traveler assistance. It must not be used for any other purpose.

(b) *One-way communications.* The operator of a CBRS station may use that station to transmit one-way communications for the following purposes:

(1) To call for help or transmit other emergency communications;

(2) To provide warnings of hazardous road conditions to travelers;

(3) To make brief test transmissions (''radio checks''); or,

(4) To transmit voice paging.

(c) *Travelers assistance communications.* The operator of a CBRS station may transmit communications necessary to assist a traveler to reach a destination or to receive necessary services.

§ 95.933 Prohibited CBRS uses.

In addition to the prohibited uses set forth in § 95.333, the operator of a CBRS station must not use a CBRS station:

(a) To transmit one-way communications other than those permitted in § 95.931(b) (transmissions to seek to initiate two-way communications with another station are not considered to be one-way communications);

(b) To advertise or solicit the sale of any goods or services;

(c) To advertise a political candidate or political campaign (a CBRS station may be used for the business or organizational aspects of a campaign);

(d) To communicate with stations in other countries, except General Radio Service stations in Canada;

(e) To transmit communications for live or delayed broadcast on a radio or television broadcast station (a CBRS station may be used to gather news items or to prepare programs);

(f) To transmit music, whistling, sound effects or any other audio material to amuse or entertain; or

(g) To transmit any sound effects solely to attract attention.

§ 95.935 Unauthorized use of non-CBRS transmitters.

The operator of a CBRS station must not use a non-CBRS transmitter to communicate with or attempt to communicate with stations in the CBRS.

(a) *Non-CBRS transmitters.* For the purposes of this section, ''non-CBRS transmitters'' are transmitters that are technically capable of operation in the 26–30 MHz frequency range, but are intended for use in the Amateur Radio Service (*see* part 97 of this chapter) or other government or non-government radio services, and are not certified for use in the CBRS.

(b) *Unlicensed operation.* The operation of non-CBRS transmitters on the CBRS channels is not authorized by § 95.305 of this part. Accordingly, the FCC considers any such operation to be a violation of section 301 of the Communications Act (47 U.S.C. 301).

§ 95.937 [Reserved]

§ 95.939 External radio frequency power amplifiers prohibited.

The operator of a CBRS station must not use an external radio frequency power amplifier to increase the transmitting power of that CBRS station under any circumstances. There are no exceptions to this rule.

(a) The FCC will presume that the operator of a CBRS station has used an external radio frequency power amplifier in violation of this section if it is in the operator's possession or on the operator's premises and there is other evidence that the CBRS station has been operated with more transmitting power than allowed by § 95.967.

(b) The operator of a CBRS station must not attach an external radio frequency power amplifier to a certified CBRS transmitter.

§ 95.941 CBRS antenna height limits.

The operator of a CBRS station must ensure that the transmitting antenna for the station is not higher than 18.3 meters (60 feet) above the ground, or 6.1 meters (20 feet) higher than the highest point of the building or tree on which it is mounted, whichever is higher. CBRS station antennas must also meet the requirements in § 95.317 regarding menaces to air navigation. *See* § 95.317 and consult part 17 of the FCC's Rules for more information.

§ 95.943 [Reserved]

§ 95.945 Remote control of a CBRS station.

This section sets forth the conditions under which a CBRS station may be operated by remote control, pursuant to the exception in § 95.345. Operation of a CBRS station using a hands-free or other type of cordless microphone or headset authorized under part 15 is not considered to be remote control.

(a) *Wireless remote control.* No person shall operate a CBRS station by wireless remote control.

(b) *Wired remote control.* Before operating an CBRS station by wired remote control, the operator must obtain specific approval from the FCC. To obtain FCC approval, the operator must explain why wired remote control is needed. *See* § 95.329 regarding contacting the FCC.

§ 95.947 [Reserved]

§ 95.949 CBRS network connection.

A CBRS station may be connected, acoustically or electrically, to the public switched network, subject to the rules in this section. The purpose of this is to allow operators of other CBRS stations to speak to and hear individuals on the telephone through the connected CBRS station.

(a) The operator of the connected CBRS station must:

(1) Manually make the connection;

(2) Continue to control the station while it is connected;

(3) Listen to each conversation during the connection; and

(4) Stop transmissions immediately if any violation of the CBRS rules occurs.

(b) If a CBRS station is directly (electrically) connected to the public switched network, the connection, including the interface device used, must be in full compliance with all applicable rules in part 68 of this chapter.

§ 95.957 Duration of CBRS Transmissions.

(a) Except as specified in (b) and (c) of this section, the operator of a CBRS station must limit each on-air conversation with the operators of other CBRS stations to no more than five minutes. After an on-air conversation has ended, the operator of a CBRS station must not transmit again on the same channel for at least one minute.

(b) When a CBRS operator is directly participating in emergency communications, it does not have to comply with paragraph (a) of this section regarding length of transmissions and pauses between transmissions. However, the operator must obey all other rules.

(c) When an operator is using its CBRS station to assist a traveler, it does not have to comply with paragraph (a) of this section regarding length of transmissions and pauses between transmissions. However, the operator must obey all other rules.

§ 95.959 [Reserved]

§ 95.961 CBRS transmitter certification.

(a) Each CBRS transmitter (a transmitter that operates or is intended to operate at a station in the CBRS) must be certified in accordance with this subpart and part 2 of this chapter.

(b) A grant of equipment certification for the CBRS will not be issued for any CBRS transmitter type that fails to comply with all of the applicable rules in this subpart.

§ 95.963 CBRS channel frequencies.

The channels listed in this section are allotted for shared use in the CBRS. Each CBRS channel is designated by its center frequency in Megahertz (MHz).

CBRS channel No.	Center frequency (MHz)
1	26.965
2	26.975
3	26.985
4	27.005
5	27.015
6	27.025
7	27.035
8	27.055
9	27.065
10	27.075
11	27.085
12	27.105
13	27.115
14	27.125
15	27.135
16	27.155
17	27.165
18	27.175
19	27.185
20	27.205
21	27.215
22	27.225
23	27.255
24	27.235
25	27.245
26	27.265
27	27.275
28	27.285
29	27.295
30	27.305
31	27.315
32	27.325
33	27.335
34	27.345
35	27.355
36	27.365
37	27.375
38	27.385
39	27.395
40	27.405

§ 95.965 CBRS transmit frequency accuracy.

Each CBRS transmitter type must be designed such that the transmit carrier frequency (or in the case of SSB transmissions, the reference frequency) remains within 50 parts-per-million of the channel center frequencies specified in § 95.963 under all normal operating conditions.

§ 95.967 CBRS transmitter power limits.

Each CBRS transmitter type must be designed such that the transmitter power can not exceed the following limits:

(a) When transmitting amplitude modulated (AM) voice signals, the mean carrier power must not exceed 4 Watts.

(b) When transmitting single sideband (SSB) voice signals, the peak envelope power must not exceed 12 Watts.

§ 95.971 CBRS emission types.

Each CBRS transmitter type must be designed such that its capabilities are in compliance with the emission type rules in this section.

(a) *Permitted emission types.* CBRS transmitter types may transmit only AM voice emission type A3E and SSB voice emission types J3E, R3E, or H3E.

(b) *SSB requirements.* Each CBRS transmitter type that transmits emission type J3E, R3E, or H3E must be capable of transmitting only the upper sideband with suppressed, reduced or full carrier, respectively, but may additionally be capable of transmitting only the lower sideband, with suppressed, reduced or full carrier, respectively.

§ 95.973 CBRS authorized bandwidth.

Each CBRS transmitter type must be designed such that the occupied bandwidth does not exceed the authorized bandwidth for the emission type under test.

(a) *AM.* The authorized bandwidth for emission type A3E is 8 kHz.

(b) *SSB.* The authorized bandwidth for emission types J3E, R3E, and H3E is 4 kHz.

§ 95.975 CBRS modulation limits.

Each CBRS transmitter type must be designed such that the modulation characteristics are in compliance with the rules in this section.

(a) When emission type A3E is transmitted with voice modulation, the modulation percentage must be at least 85%, but not more than 100%.

(b) When emission type A3E is transmitted by a CBRS transmitter having a transmitter output power of more than 2.5 W, the transmitter must contain a circuit that automatically prevents the modulation percentage from exceeding 100%.

§ 95.977 CBRS tone transmissions.

In addition to the tones permitted under § 95.377, CBRS transmitter types may be designed to transmit brief tones to indicate the beginning or end of a transmission.

§ 95.979 CBRS unwanted emissions limits.

Each CBRS transmitter type must be designed to comply with the applicable unwanted emissions limits in this section.

(a) *Attenuation requirements.* The power of unwanted emissions must be attenuated below the transmitter output power in Watts (P) as specified in the applicable paragraphs listed in the following table:

Emission type	Paragraph
A3E	(1), (3), (5), (6)
H3E, J3E, R3E	(2), (4), (5), (6)

(1) 25 dB (decibels) in the frequency band 4 kHz to 8 kHz removed from the channel center frequency;

(2) 25 dB in the frequency band 2 kHz to 6 kHz removed from the channel center frequency;

(3) 35 dB in the frequency band 8 kHz to 20 kHz removed from the channel center frequency;

(4) 35 dB in the frequency band 6 kHz to 10 kHz removed from the channel center frequency;

(5) 53 + 10 log (P) dB in any frequency band removed from the channel center frequency by more than 250% of the authorized bandwidth.

(6) 60 dB in any frequency band centered on a harmonic (*i.e.,* an integer multiple of two or more times) of the carrier frequency.

(b) *Measurement bandwidths.* The power of unwanted emissions in the frequency bands specified in paragraphs (a)(1) through (4) of this section is measured with a reference bandwidth of 300 Hz. The power of unwanted emissions in the frequency ranges specified in paragraphs (a)(5) and (6) of this section is measured with a reference bandwidth of at least 30 kHz.

(c) *Measurement conditions and procedures.* Subject to additional measurement standards and procedures established pursuant to part 2, subpart J, the following conditions and procedures must be used.

(1) The unwanted emissions limits requirements in this section must be met both with and without the connection of permitted attachments, such as external speakers, microphones, power cords and/or antennas.

(2) Either mean power output or peak envelope power output may be used for measurements, as appropriate for the emission type under test, provided that the same type of power measurement is used for both the transmitter output power and the power of the unwanted emissions.

§§ 95.981–95.985 [Reserved]

§ 95.987 CBRS additional requirements.

Each CBRS transmitter type must be designed to satisfy all of the additional requirements in this section.

(a) *Transmit frequency capability.* Each CBRS transmitter type must be designed to transmit only on one or more of the channels listed in § 95.963. No CBRS transmitter type will be certified for use in the CBRS service if it is capable of transmitting on any frequency or channel other than those listed in § 95.963, unless such transmitter type is also certified for use in another radio service for which the frequency capability is authorized and for which FCC certification is also required.

(b) *Frequency determining circuitry.* All frequency determining circuitry (including crystals) and programming controls in each CBRS transmitter type must be internal to the transmitter and must not be accessible from the operating panel or from the exterior of the transmitter enclosure.

(c) *Final amplifier component ratings.* The dissipation rating of all the semiconductors or electron tubes which supply RF power to the antenna terminals of each CB transmitter must not exceed 10 Watts. For semiconductors, the dissipation rating is the greater of the collector or device dissipation value established by the manufacturer of the semiconductor. These values may be temperature de-rated by no more than 50 °C. For an electron tube, the dissipation rating is the Intermittent Commercial and Amateur Service plate dissipation value established by the manufacturer of the electron tube.

(d) *External controls.* Only the external transmitter controls, connections or devices listed in this paragraph are allowed to be incorporated in a CBRS transmitter type. The FCC, however, may authorize additional controls, connections or devices after considering the functions to be performed by such additions.

(1) Primary power connection. External power supplies may be used.

(2) Microphone connection.

(3) Antenna connection.

(4) Headphone and speaker output connections and related selector switch.

(5) On-off switch for primary power to the transmitter. This switch may be combined with receiver controls such as the receiver on-off switch and volume control.

(6) Upper/lower sideband selector switch (for a transmitter that is capable of transmitting SSB emissions).

(7) Carrier level selector control (for a transmitter that is capable of transmitting SSB emissions). This control may be combined with the sideband selector switch.

(8) Channel selector switch.

(9) Transmit/receive selector switch.

(10) Meter(s) and selector switch(es) for monitoring transmitter performance.

(11) Pilot lamp(s), meter(s), light emitting diodes, liquid crystal devices or other types of visual display devices to indicate the presence of RF output power or that the transmitter control circuits are activated to transmit.

§ 95.989 [Reserved]

§ 95.991 CBRS marketing limitations.

Marketing of devices that could be used with CBRS stations resulting in violation of the rules in this part is prohibited.

(a) *External radio frequency power amplifiers.* No person shall manufacture, import, sell or offer for sale any external radio frequency power amplifier capable of operation below 144 MHz and intended for use in the CBRS. *See* § 2.815 of this chapter.

(b) *External frequency determining devices.* No person shall manufacture, import, sell or offer for sale, any add-on device, whether internal or external, the function of which is to extend the transmitting frequency capability of a CBRS transmitter beyond that allowed by §§ 95.963 and 95.965.

§§ 95.993–95.1699 [Reserved]

Subpart E—General Mobile Radio Service

§ 95.1701 Scope.

This subpart contains rules that apply only to the General Mobile Radio Service (GMRS).

§ 95.1703 Definitions, GMRS.

General Mobile Radio Service (GMRS). A mobile two-way voice communication service, with limited data applications, for facilitating activities of individual licensees and their family members, including, but not limited to, voluntary provision of assistance to the public during emergencies and natural disasters.

Grandfathered GMRS license. A GMRS license held by a non-individual person (*i.e.,* a partnership, corporation, association or governmental unit) as a result of renewals of a GMRS license issued prior to July 31, 1987.

§ 95.1705 Individual licenses required; eligibility; who may operate; cooperative use.

A valid individual license is required to operate a GMRS station. To obtain an individual license, an applicant must be eligible and follow the applicable rules and procedures set forth in this subpart and in part 1 of this chapter, and must pay the required application and regulatory fees as set forth in part 1, subpart G of this chapter.

(a) *Eligibility.* This paragraph contains eligibility requirements for individual licenses in the GMRS.

(1) Only an individual who is at least 18 years old and who meets the requirements of § 95.305 is eligible to obtain a new individual GMRS license.

(2) Any person that holds a valid individual license is eligible to obtain a renewed license, or a modified license to reflect a change of name or address.

(b) *Individual licensee responsibility.* The holder of an individual license to operate GMRS stations is responsible at all times for the proper operation of the stations in compliance with all applicable rules in this part.

(c) *Individuals who may operate a GMRS station.* This paragraph establishes who may operate a GMRS station under the authority of an individual license.

(1) Any individual who holds an individual license may operate his or her GMRS stations.

(2) Any individual who holds an individual license may allow his or her immediate family members to operate his or her GMRS station or stations. Immediate family members are the licensee's spouse, children, grandchildren, stepchildren, parents, grandparents, stepparents, brothers, sisters, aunts, uncles, nieces, nephews, and in-laws.

(3) Any individual who holds an individual license may allow anyone to operate his or her GMRS station if necessary to communicate an emergency message.

(4) Any non-individual person that holds a grandfathered GMRS license may allow individuals to operate its grandfathered GMRS station(s) only in accordance with the following paragraphs:

(i) A partnership may allow its partners and employees to operate its GMRS station(s).

(ii) A corporation may allow its officers, directors, members and employees to operate its GMRS station(s).

(iii) An association may allow its members and employees to operate its GMRS station(s).

(iv) A governmental unit may allow its employees to operate its GMRS station(s).

(d) *Individual licensee duties.* The holder of an individual license:

(1) Shall determine specifically which individuals, including family members, are allowed to operate (*i.e.,* exercise operational control over) its GMRS station(s) (*see* paragraph (c) of this section);

(2) May allow any person to use (*i.e.,* benefit from the operation of) its GMRS repeater, or alternatively, may limit the use of its GMRS repeater to specific persons;

(3) May disallow the use of its GMRS repeater by specific persons as may be necessary to carry out its responsibilities under this section.

(e) *Individual license term.* Each individual license in the GMRS will normally have a term of ten years from the date of grant or renewal, and may be renewed pursuant to the procedures in part 1 of this chapter. The FCC may grant a shorter license term at renewal as a sanction for violation of the FCC rules.

(f) *Cooperative use of GMRS stations.* GMRS licensees may share the use of their stations with other persons eligible in the GMRS, subject to the conditions and limitations in this paragraph.

(1) The GMRS station to be shared must be individually owned by the licensee, jointly owned by the participants and the licensee, leased individually by the licensee, or leased jointly by the participants and the licensee.

(2) The licensee must maintain access to and control over all stations authorized under its license.

(3) A station may be shared only:

(i) Without charge;

(ii) On a non-profit basis, with contributions to capital and operating expenses including the cost of mobile stations and paging receivers prorated equitably among all participants; or

(iii) On a reciprocal basis, *i.e.,* use of one licensee's stations for the use of another licensee's stations without charge for either capital or operating expenses.

(4) All sharing arrangements must be conducted in accordance with a written agreement to be kept as part of the station records.

(g) *Limitations on grandfathered GMRS licenses.* GMRS licenses that were issued prior to July 31, 1987 authorized GMRS station operation at specified locations, on specified channels, and with specified antenna height and transmitter power. Grandfathered GMRS licenses authorize only continued operation of those specific stations by these licensees, at the specified locations, channels, antenna heights and transmitting power. The FCC does not accept applications to modify, assign, or transfer grandfathered GMRS licenses (other than administrative updates to change contact information).

§§ 95.1707–95.1721 [Reserved]

§ 95.1723 GMRS station inspection.

If an authorized FCC representative requests to inspect a GMRS station, the operator must make the station and any station records available for inspection.

(a) A GMRS station includes all of the equipment used in connection with that station.

(b) Station records include the following documents, as applicable:

(1) A copy of each response to an FCC violation notice or an FCC letter.

(2) Each written permission received from the FCC.

(3) Any written agreement regarding sharing arrangements pursuant to § 95.1705(f)(4) of this part.

§§ 95.1725–95.1729 [Reserved]

§ 95.1731 Permissible GMRS uses.

The operator of a GMRS station may use that station for two-way plain language voice communications with other GMRS stations and with FRS units concerning personal or business activities.

(a) *Emergency communications.* Any GMRS channel may be used for emergency communications or for traveler assistance. Operators of GMRS stations must, at all times and on all channels, give priority to emergency communications.

(b) *One-way communications.* The operator of a GMRS station may use that station to transmit one-way communications:

(1) To call for help or transmit other emergency communications;

(2) To provide warnings of hazardous road conditions to travelers; or,

(3) To make brief test transmissions.

(c) *Travelers assistance.* The operator of a GMRS station may transmit communications necessary to assist a traveler to reach a destination or to receive necessary services.

(d) *Digital data.* GMRS hand-held portable units may transmit digital data containing location information, or requesting location information from one or more other GMRS or FRS units, or containing a brief text message to another specific GMRS or FRS unit.

§ 95.1733 Prohibited GMRS uses.

(a) In addition to the prohibited uses outlined in § 95.333 of this chapter, GMRS stations must not communicate:

(1) Messages in connection with any activity which is against Federal, State, or local law;

(2) False or deceptive messages;

(3) Coded messages or messages with hidden meanings (''10 codes'' are permissible);

(4) Music, whistling, sound effects or material to amuse or entertain;

(5) Advertisements or offers for the sale of goods or services;

(6) Advertisements for a political candidate or political campaign (messages about the campaign business may be communicated);

(7) International distress signals, such as the word ''Mayday'' (except when on a ship, aircraft or other vehicle in immediate danger to ask for help);

(8) Messages which are both conveyed by a wireline control link and transmitted by a GMRS station;

(9) Messages (except emergency messages) to any station in the Amateur Radio Service, to any unauthorized station, or to any foreign station;

(10) Continuous or uninterrupted transmissions, except for communications involving the immediate safety of life or property; and

(11) Messages for public address systems.

(12) The provision of § 95.333 apply, however, if the licensee is a corporation and the license so indicates, it may use its GMRS system to furnish non-profit radio communication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary.

(b) GMRS stations must not be used for one-way communications other than those listed in § 95.1731(b). Initial transmissions to establish two-way communications and data transmissions listed in § 95.1731(d) are not considered to be one-way communications for the purposes of this section.

§§ 95.1735–95.1739 [Reserved]

§ 95.1741 GMRS antenna height limits.

GMRS station antennas must meet the requirements in § 95.317 regarding menaces to air navigation. *See* § 95.317 and consult part 17 of the FCC's Rules for more information (47 CFR part 17).

§ 95.1743 Minor GMRS operators.

Operators under the age of 18 will not be held personally responsible, pursuant to § 95.343, for improper operation of a GMRS repeater or base station. The holder of the individual license under which the minor operates is solely responsible for any improper operation that occurs while an individual under the age of 18 is operating the station.

§ 95.1745 GMRS remote control.

Notwithstanding the prohibition in § 95.345, GMRS repeater, base and fixed stations may be operated by remote control.

§ 95.1747 GMRS automatic control.

Notwithstanding the prohibition in § 95.347, GMRS repeater stations may be operated by automatic control.

§ 95.1749 GMRS network connection.

Operation of a GMRS station with a telephone connection is prohibited, as in § 95.349. GMRS repeater, base and fixed stations, however, may be connected to the public switched network or other networks for the sole purpose of operation by remote control pursuant to § 95.1745.

§ 95.1751 GMRS station identification.

Each GMRS station must be identified by transmission of its FCC-assigned call sign at the end of transmissions and at periodic intervals during transmissions except as provided in paragraph (c) of this section. A unit number may be included after the call sign in the identification.

(a) The GMRS station call sign must be transmitted:

(1) Following a single transmission or a series of transmissions; and,

(2) After 15 minutes and at least once every 15 minutes thereafter during a series of transmissions lasting more than 15 minutes.

(b) The call sign must be transmitted using voice in the English language or international Morse code telegraphy using an audible tone.

(c) Any GMRS repeater station is not required to transmit station identification if:

(1) It retransmits only communications from GMRS stations operating under authority of the individual license under which it operates; and,

(2) The GMRS stations whose communications are retransmitted are properly identified in accordance with this section.

§§ 95.1753–95.1559 [Reserved]

§ 95.1761 GMRS transmitter certification.

(a) Each GMRS transmitter (a transmitter that operates or is intended to operate in the GMRS) must be certified in accordance with this subpart and part 2 of this chapter.

(b) A grant of equipment certification for the GMRS will not be issued for any GMRS transmitter type that fails to comply with the applicable rules in this subpart.

(c) No GMRS transmitter will be certified for use in the GMRS if it is equipped with a frequency capability not listed in § 95.1763, unless such transmitter is also certified for use in another radio service for which the frequency is authorized and for which certification is also required. No GMRS transmitter will be certified for use in the GMRS if it is equipped with the capabilities to operate in services that do not require equipment certification, such as the Amateur Radio Service. All frequency determining circuitry (including crystals) and programming controls in each GMRS transmitter must be internal to the transmitter and must not be accessible from the exterior of the transmitter operating panel or from the exterior of the transmitter enclosure.

(d) Effective December 27, 2017, the Commission will no longer issue a grant of equipment authorization for hand-held portable unit transmitter types under both this subpart (GMRS) and subpart B of this part (FRS).

(e) Effective December 27, 2017, the Commission will no longer issue a grant of equipment authorization under this subpart (GMRS) for hand-held portable units if such units meet the requirements to be certified under subpart B of this part (FRS).

§ 95.1763 GMRS channels.

The GMRS is allotted 30 channels—16 main channels and 14 interstitial channels. GMRS stations may transmit on any of the channels as indicated below.

(a) *462 MHz main channels.* Only mobile, hand-held portable, repeater, base and fixed stations may transmit on these 8 channels. The channel center frequencies are: 462.5500, 462.5750, 462.6000, 462.6250, 462.6500, 462.6750, 462.7000, and 462.7250 MHz.

(b) *462 MHz interstitial channels.* Only mobile, hand-held portable and base stations may transmit on these 7 channels. The channel center frequencies are: 462.5625, 462.5875, 462.6125, 462.6375, 462.6625, 462.6875, and 462.7125 MHz.

(c) *467 MHz main channels.* Only mobile, hand-held portable, control and fixed stations may transmit on these 8 channels. Mobile, hand-held portable and control stations may transmit on these channels only when communicating through a repeater station or making brief test transmissions in accordance with § 95.319(c). The channel center frequencies are: 467.5500, 467.5750, 467.6000, 467.6250, 467.6500, 467.6750, 467.7000, and 467.7250 MHz.

(d) *467 MHz interstitial channels.* Only hand-held portable units may transmit on these 7 channels. The channel center frequencies are:

467.5675, 467.5875, 467.6125, 467.6375, 467.6625, 467.6875, and 467.7125 MHz.

§ 95.1765 GMRS frequency accuracy.

Each GMRS transmitter type must be designed to comply with the frequency accuracy requirements in this section under normal operating conditions. Operators of GMRS stations must also ensure compliance with these requirements.

(a) The carrier frequency of each GMRS transmitter transmitting an emission with an occupied bandwidth greater than 12.5 kHz must remain within 5 parts-per-million (ppm) of the channel center frequencies listed in § 95.1763 under normal operating conditions.

(b) The carrier frequency of each GMRS transmitter transmitting an emission with an occupied bandwidth of 12.5 kHz or less must remain within 2.5 ppm of the channel center frequencies listed in § 95.1763 under normal operating conditions.

§ 95.1767 GMRS transmitting power limits.

This section contains transmitting power limits for GMRS stations. The maximum transmitting power depends on which channels are being used and the type of station.

(a) *462/467 MHz main channels.* The limits in this paragraph apply to stations transmitting on any of the 462 MHz main channels or any of the 467 MHz main channels. Each GMRS transmitter type must be capable of operating within the allowable power range. GMRS licensees are responsible for ensuring that their GMRS stations operate in compliance with these limits.

(1) The transmitter output power of mobile, repeater and base stations must not exceed 50 Watts.

(2) The transmitter output power of fixed stations must not exceed 15 Watts.

(b) *462 MHz interstitial channels.* The effective radiated power (ERP) of mobile, hand-held portable and base stations transmitting on the 462 MHz interstitial channels must not exceed 5 Watts.

(c) *467 MHz interstitial channels.* The effective radiated power (ERP) of hand-held portable units transmitting on the 467 MHz interstitial channels must not exceed 0.5 Watt. Each GMRS transmitter type capable of transmitting on these channels must be designed such that the ERP does not exceed 0.5 Watt.

§ 95.1769 [Reserved]

§ 95.1771 GMRS emission types.

Each GMRS transmitter type must be designed to satisfy the emission capability rules in this section. Operation of GMRS stations must also be in compliance with these rules.

(a) Each GMRS transmitter type must have the capability to transmit F3E or G3E emissions.

(b) Only emission types A1D, F1D, G1D, H1D, J1D, R1D, A3E, F3E, G3E, H3E, J3E, R3E, F2D, and G2D are authorized for use in the GMRS. Equipment for which certification is sought under this subpart may have capabilities to transmit other emission types intended for use in other services, provided that these emission types can be deactivated when the equipment is used in the GMRS.

§ 95.1773 GMRS authorized bandwidths.

Each GMRS transmitter type must be designed such that the occupied bandwidth does not exceed the authorized bandwidth for the channels used. Operation of GMRS stations must also be in compliance with these requirements.

(a) *Main channels.* The authorized bandwidth is 20 kHz for GMRS transmitters operating on any of the 462 MHz main channels (*see* § 95.1763(a)) or any of the 467 MHz main channels (*see* § 95.1763(c)).

(b) *Interstitial channels.* The authorized bandwidth is 20 kHz for GMRS transmitters operating on any of the 462 MHz interstitial channels (*see* § 95.1763(b)) and is 12.5 kHz for GMRS transmitters operating on any of the 467 MHz interstitial channels (*see* § 95.1763(d)).

(c) *Digital data transmissions.* Digital data transmissions are limited to the 462 MHz main channels and interstitial channels in the 462 MHz and 467 MHz bands.

§ 95.1775 GMRS modulation requirements.

Each GMRS transmitter type must be designed to satisfy the modulation requirements in this section. Operation of GMRS stations must also be in compliance with these requirements.

(a) *Main channels.* The peak frequency deviation for emissions to be transmitted on the main channels must not exceed ± 5 kHz.

(b) *462 MHz interstitial channels.* The peak frequency deviation for emissions to be transmitted on the 462 MHz interstitial channels must not exceed ± 5 kHz.

(c) *467 MHz interstitial channels.* The peak frequency deviation for emissions to be transmitted on the 467 MHz interstitial channels must not exceed ± 2.5 kHz, and the highest audio frequency contributing substantially to modulation must not exceed 3.125 kHz.

(d) *Overmodulation.* Each GMRS transmitter type, except for a mobile station transmitter type with a transmitter power output of 2.5 W or less, must automatically prevent a higher than normal audio level from causing overmodulation.

(e) *Audio filter.* Each GMRS transmitter type must include audio frequency low pass filtering, unless it complies with the applicable paragraphs of § 95.1779 (without filtering).

(1) The filter must be between the modulation limiter and the modulated stage of the transmitter.

(2) At any frequency (f in kHz) between 3 and 20 kHz, the filter must have an attenuation of at least 60 log (f/3) dB more than the attenuation at 1 kHz. Above 20 kHz, it must have an attenuation of at least 50 dB more than the attenuation at 1 kHz.

§ 95.1777 GMRS tone transmissions.

In addition to audible and subaudible tones used for receiver squelch activation and selective calling, to establish or maintain communications with specific stations or to access repeater stations (*see* § 95.377), GMRS transmitters may also transmit audio tones for station identification (*see* § 95.1751).

§ 95.1779 GMRS unwanted emissions limits.

Each GMRS transmitter type must be designed to comply with the applicable unwanted emissions limits in this section.

(a) *Emission masks.* Emission masks applicable to transmitting equipment in the GMRS are defined by the requirements in the following table. The numbers in the attenuation requirements column refer to rule paragraph numbers under paragraph (b) of this section.

Emission types filter	Attenuation requirements
A1D, A3E, F1D, G1D, F2D, F3E, G3E with audio filter	(1), (2), (7)
A1D, A3E, F1D, G1D, F3E, G3E without audio filter ..	(3), (4), (7)
H1D, J1D, R1D, H3E, J3E, R2E	(5), (6), (7)

(1) Filtering noted for GMRS transmitters refers to the requirement in § 95.1775(e).

(2) Unwanted emission power may be measured as either mean power or peak envelope power, provided that the transmitter output power is measured the same way.

(b) *Attenuation requirements.* The power of unwanted emissions must be attenuated below the transmitter output power in Watts (P) by at least:

(1) 25 dB (decibels) on any frequency removed from the center of the

authorized bandwidth by more than 50% up to and including 100% of the authorized bandwidth.

(2) 35 dB on any frequency removed from the center of the authorized bandwidth by more than 100% up to and including 250% of the authorized bandwidth.

(3) 83 log ($f_d \div 5$) dB on any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d in kHz) of more than 5 kHz up to and including 10 kHz.

(4) 116 log ($f_d \div 6.1$) dB or 50 + 10 log (P) dB, whichever is the lesser attenuation, on any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d in kHz), of more than 10 kHz up to and including 250% of the authorized bandwidth.

(5) 25 dB on any frequency removed from the center of the authorized bandwidth by more than 50% up to and including 150% of the authorized bandwidth.

(6) 35 dB on any frequency removed from the center of the authorized bandwidth by more than 150% up to and including 250% of the authorized bandwidth.

(7) 43 + 10 log (P) dB on any frequency removed from the center of the authorized bandwidth by more than 250%.

(c) *Measurement bandwidths.* The power of unwanted emissions in the frequency bands specified in paragraphs (b)(1) through (4) of this section is measured with a reference bandwidth of 300 Hz. The power of unwanted emissions in the frequency range specified in paragraph (b)(5) of this section is measured with a reference bandwidth of at least 30 kHz.

(d) *Measurement conditions.* The requirements in this section apply to each GMRS transmitter type both with and without the connection of permitted attachments, such as an external speaker, microphone, power cord and/or antenna.

§ § 95.1781–95.1785 [Reserved]

§ 95.1787 GMRS additional requirements.

Each hand-held portable unit transmitter type submitted for certification under this subpart is subject to the rules in this section.

(a) *Digital data transmissions.* GMRS hand-held portable units that have the capability to transmit digital data must be designed to meet the following requirements.

(1) Digital data transmissions must only be initiated by a manual action by the operator, except that GMRS units may automatically respond with location data upon receiving an interrogation request from another GMRS or FRS unit.

(2) Digital data transmissions must not exceed one second in duration.

(3) Digital data transmissions must not be sent more frequently than one digital data transmission within a thirty-second period, except that a GMRS unit may automatically respond to more than one interrogation request received within a thirty-second period.

(4) The antenna must be a non-removable integral part of the GMRS unit.

(5) GMRS units must not be capable of transmitting digital data on the 467 MHz main channels.

(b) [Reserved]

§ 95.1789 [Reserved]

§ 95.1791 Sales of GMRS/FRS combination radios prohibited.

(a) Effective September 30, 2019, no person shall be permitted to manufacture or import, sell or offer for sale any radio equipment capable of operating under both this subpart (GMRS) and subpart B (FRS) of this chapter.

§ § 95.1793–95.1899 [Reserved]

Subpart F—218–219 MHz Service

§ 95.1901 Scope.

This subpart sets out the regulations governing the licensing and operation of a 218–219 MHz system. This subpart supplements part 1, subpart F of this chapter, which establishes the requirements and conditions under which commercial and private radio stations may be licensed and used in the Wireless Telecommunications Services. The provisions of this subpart contain additional pertinent information for current and prospective licensees specific to the 218–219 MHz Service.

§ 95.1903 218–219 MHz Service description.

(a) The 218–219 MHz Service is authorized for system licensees to provide communication service to subscribers in a specific service area.

(b) The components of each 218–219 MHz Service system are its administrative apparatus, its response transmitter units (RTUs), and one or more cell transmitter stations (CTSs). RTUs may be used in any location within the service area. CTSs provide service from a fixed point, and certain CTSs must be individually licensed as part of a 218–219 MHz Service system. *See* § 95.1911.

(c) Each 218–219 MHz Service system service area is one of the cellular system service areas as defined by the Commission, unless modified pursuant to § 95.1923.

§ 95.1905 Permissible communications.

A 218–219 MHz Service system may provide any fixed or mobile communications service to subscribers within its service area on its assigned spectrum, consistent with the Commission's rules and the regulatory status of the system to provide services on a common carrier or private basis.

§ 95.1907 Requesting regulatory status.

(a) Authorizations for systems in the 218–219 MHz Service will be granted to provide services on a common carrier basis or a private (non-common carrier and/or private internal-use) basis.

(1) *Initial applications.* An applicant will specify on FCC Form 601 if it is requesting authorizations to provide services on a common carrier, non-common carrier or private internal-use basis, or a combination thereof.

(2) *Amendment of pending applications.* Any pending application may be amended to:

(i) Change the carrier status requested; or

(ii) Add to the pending request in order to obtain both common carrier and private status in a single license.

(3) *Modification of license.* A licensee may modify a license to:

(i) Change the carrier status authorized; or

(ii) Add to the status authorized in order to obtain both common carrier and private status in a single license. Applications to change, or add to, carrier status in a license must be submitted on FCC Form 601 in accordance with § 1.1102 of this chapter.

(4) *Pre-existing licenses.* Licenses granted before April 9, 2001 are authorized to provide services on a private (non-common carrier) basis. Licensees may modify this initial status pursuant to paragraph (a)(3) of this section.

(b) An applicant or licensee may submit a petition at any time requesting clarification of the regulatory status required to provide a specific communications service.

§ 95.1911 License requirements.

(a) Each 218–219 MHz Service system must be licensed in accordance with part 1, subpart F of this chapter.

(b) Each CTS where the antenna does not exceed 6.1 meters (20 feet) above ground or an existing structure (other than an antenna structure) and is outside the vicinity of certain receiving locations (*see* § 1.924 of this chapter) is

authorized under the 218–219 MHz System license. All other CTSs must be individually licensed.

(c) All CTSs not meeting the licensing criteria under paragraph (b) of this section are authorized under the 218–219 MHz Service system license.

(d) Each component RTU in a 218–219 MHz Service system is authorized under the system license or, if associated with an individually licensed CTS, under that CTS license.

(e) Each CTS (regardless of whether it is individually licensed) and each RTU must be in compliance with the Commission's environmental rules (see part 1, subpart I of this chapter) and the Commission's rules pertaining to the construction, marking and lighting of antenna structures (*see* part 17 of this chapter).

§ 95.1912 License term.

(a) The term of each 218–219 MHz service system license is ten years from the date of original grant or renewal.

(b) Licenses for individually licensed CTSs will be issued for a period running concurrently with the license of the associated 218–219 MHz Service system with which it is licensed.

§ 95.1913 Eligibility.

(a) An entity is eligible to hold a 218–219 MHz Service system license and its associated individual CTS licenses if:

(1) The entity is an individual who is not a representative of a foreign government; or

(2) The entity is a partnership and no partner is a representative of a foreign government; or

(3) The entity is a corporation organized under the laws of the United States of America; or

(4) The entity is a trust and no beneficiary is a representative of a foreign government.

(b) An entity that loses its 218–219 MHz Service authorization due to failure to meet the construction requirements specified in § 95.1933 of this part may not apply for a 218–219 MHz Service system license for three years from the date the Commission takes final action affirming that the 218–219 MHz Service license has been canceled.

§ 95.1915 License application.

(a) In addition to the requirements of part 1, subpart F of this chapter, each application for a 218–219 MHz Service system license must include a plan analyzing the co- and adjacent channel interference potential of the proposed system, identifying methods being used to minimize this interference, and showing how the proposed system will meet the service requirements set forth in § 95.1931 of this part. This plan must be updated to reflect changes to the 218–219 MHz Service system design or construction.

(b) In addition to the requirements of part 1, subpart F of this chapter, each request by a 218–219 MHz Service system licensee to add, delete, or modify technical information of an individually licensed CTS (*see* § 95.1911(b) of this part) must include a description of the system after the proposed addition, deletion, or modifications, including the population in the service area, the number of component CTSs, and an explanation of how the system will satisfy the service requirements specified in § 95.1931 of this part.

§ 95.1916 Competitive bidding proceedings.

(a) *Competitive bidding.* Mutually exclusive initial applications for 218–219 MHz Service licenses are subject to competitive bidding. The general competitive bidding procedures set forth in part 1, subpart Q of this chapter will apply unless otherwise provided in this part.

(b) *Installment payments.* Eligible Licensees that elect resumption pursuant to Amendment of part 95 of the Commission's Rules to Provide Regulatory Flexibility in the 218–219 MHz Service, *Report and Order and Memorandum Opinion and Order,* FCC 99–239 (released September 10, 1999) may continue to participate in the installment payment program. Eligible Licensees are those that were current in installment payments (*i.e.,* less than ninety days delinquent) as of March 16, 1998, or those that had properly filed grace period requests under the former installment payment rules. All unpaid interest from grant date through election date will be capitalized into the principal as of Election Day creating a new principal amount. Installment payments must be made on a quarterly basis. Installment payments will be calculated based on new principal amount as of Election Day and will fully amortize over the remaining term of the license. The interest rate will equal the rate for five-year U.S. Treasury obligations at the grant date.

(c) *Eligibility for small business provisions.* (1) A small business is an entity that, together with its affiliates and controlling interests, has average gross revenues not to exceed $15 million for the preceding three years.

(2) A very small business is an entity that, together with its affiliates and controlling interests, has average gross revenues not to exceed $3 million for the preceding three years.

(d) *Bidding credits.* A winning bidder that qualifies as a small business, as defined in this subsection, or a consortium of small businesses may use the bidding credit specified in § 1.2110(f)(2)(ii) of this chapter. A winning bidder that qualifies as a very small business, as defined in this section, or a consortium of very small businesses may use the bidding credit specified in accordance with § 1.2110(f)(2)(i) of this chapter.

(e) *Auction No. 2 winning bidders.* Winning bidders in Auction No. 2, which took place on July 28–29, 1994, that, at the time of auction, met the qualifications under the Commission's rules then in effect, for small business status will receive a twenty-five percent bidding credit pursuant to Amendment of part 95 of the Commission's Rules to Provide Regulatory Flexibility in the 218–219 MHz Service, Report and Order and Memorandum Opinion and Order, FCC 99–239 (released September 10, 1999).

§ 95.1919 License transferability.

(a) A 218–219 MHz Service system license, together with all of its component CTS licenses, may be transferred, assigned, sold, or given away only in accordance with the provisions and procedures set forth in § 1.948 of this chapter. For licenses acquired through competitive bidding procedures (including licenses obtained in cases of no mutual exclusivity), designated entities must comply with §§ 1.2110 and 1.2111 of this chapter (*see* § 1.948(a)(3) of this chapter).

(b) If the transfer, assignment, sale, or gift of a license is approved, the new licensee is held to the construction requirements set forth in § 95.1933.

§ 95.1923 Geographic partitioning and spectrum disaggregation.

(a) *Eligibility.* Parties seeking Commission approval of geographic partitioning or spectrum disaggregation of 218–219 MHz Service system licenses shall request an authorization for partial assignment of license pursuant to § 1.948 of this chapter.

(b) *Technical standards*—(1) *Partitioning.* In the case of partitioning, requests for authorization of partial assignment of a license must include, as attachments, a description of the partitioned service area and a calculation of the population of the partitioned service area and the licensed geographic service area. The partitioned service area shall be defined by coordinate points at every 3 seconds along the partitioned service area unless

an FCC-recognized service area (*i.e.,* Economic Areas) is utilized or county lines are followed. The geographic coordinates must be specified in degrees, minutes, and seconds, to the nearest second of latitude and longitude, and must be based upon the 1983 North American Datum (NAD83). In the case where an FCC-recognized service area or county lines are utilized, applicants need only list the specific area(s) (through use of FCC designations or county names) that constitute the partitioned area.

(2) *Disaggregation.* Spectrum may be disaggregated in any amount.

(3) *Combined partitioning and disaggregation.* The Commission will consider requests for partial assignments of licenses that propose combinations of partitioning and disaggregation.

(c) *Provisions applicable to designated entities*—(1) *Parties not qualified for installment payment plans.* (i) When a winning bidder (partitionor or disaggregator) that elected to pay for its license through an installment payment plan partitions its license or disaggregates spectrum to another party (partitionee or disaggregatee) that would not qualify for an installment payment plan, or elects not to pay for its share of the license through installment payments, the outstanding principal balance owed by the partitionor or disaggregator shall be apportioned according to § 1.2111(e)(3) of this chapter. The partitionor or disaggregator is responsible for accrued and unpaid interest through and including the consummation date.

(ii) The partitionee or disaggregatee shall, as a condition of the approval of the partial assignment application, pay its entire *pro rata* amount of the outstanding principal balance on or before the consummation date. Failure to meet this condition will result in cancellation of the grant of the partial assignment application.

(iii) The partitionor or disaggregator shall be permitted to continue to pay its pro rata share of the outstanding balance and, if applicable, shall receive loan documents evidencing the partitioning and disaggregation. The original interest rate, established pursuant to § 1.2110(g)(3)(i) of this chapter at the time of the grant of the initial license in the market, shall continue to be applied to the partitionor's or disaggregator's portion of the remaining government obligation.

(iv) A default on the partitionor's or disaggregator's payment obligation will affect only the partitionor's or disaggregator's portion of the market.

(2) *Parties qualified for installment payment plans.* (i) Where both parties to a partitioning or disaggregation agreement qualify for installment payments, the partitionee or disaggregatee will be permitted to make installment payments on its portion of the remaining government obligation.

(ii) Each party may be required, as a condition to approval of the partial assignment application, to execute loan documents agreeing to pay its *pro rata* portion of the outstanding principal balance due, as apportioned according to § 1.2111(e)(3) of this chapter, based upon the installment payment terms for which it qualifies under the rules. Failure by either party to meet this condition will result in the automatic cancellation of the grant of the partial assignment application. The interest rate, established pursuant to § 1.2110(f)(3)(i) of this chapter at the time of the grant of the initial license in the market, shall continue to be applied to both parties' portion of the balance due. Each party will receive a license for its portion of the partitioned market.

(iii) A default on an obligation will affect only that portion of the market area held by the defaulting party.

(d) *Construction requirements*—(1) *Partitioning.* Partial assignors and assignees for license partitioning have two options to meet construction requirements. Under the first option, the partitionor and partitionee would each certify that they will independently satisfy the applicable construction requirements set forth in § 95.1933 of this part for their respective partitioned areas. If either licensee failed to meet its requirement in § 95.1933 of this part, only the non-performing licensee's renewal application would be subject to dismissal. Under the second option, the partitionor certifies that it has met or will meet the requirement in § 95.1933 of this part for the entire market. If the partitionor fails to meet the requirement in § 95.1933 of this part, however, only its renewal application would be subject to forfeiture at renewal.

(2) *Disaggregation.* Partial assignors and assignees for license disaggregation have two options to meet construction requirements. Under the first option, the disaggregator and disaggregatee would certify that they each will share responsibility for meeting the applicable construction requirements set forth in § 95.1933 of this part for the geographic service area. If parties choose this option and either party fails to do so, both licenses would be subject to forfeiture at renewal. The second option would allow the parties to agree that either the disaggregator or the disaggregatee would be responsible for meeting the requirement in § 95.1933 of this part for the geographic service area. If parties choose this option, and the party responsible for meeting the construction requirement fails to do so, only the license of the non-performing party would be subject to forfeiture at renewal.

(3) *Certification.* All applications requesting partial assignments of license for partitioning or disaggregation must include the above-referenced certification as to which of the construction options is selected.

(4) *Supporting documents.* Responsible parties must submit supporting documents showing compliance with the respective construction requirements within the relevant time periods set forth in § 95.1933 of this part.

§ 95.1931 Service requirements.

Subject to the initial construction requirements of § 95.1933 of this subpart, each 218–219 MHz Service system license must demonstrate that it provides substantial service within the service area. Substantial service is defined as a service that is sound, favorable, and substantially above a level of service which might minimally warrant renewal.

§ 95.1933 Construction requirements.

(a) Each 218–219 MHz Service licensee must make a showing of ''substantial service'' within ten years of the license grant. A ''substantial service'' assessment will be made at renewal pursuant to the provisions and procedures contained in § 1.949 of this chapter.

(b) Each 218–219 MHz Service licensee must file a report to inform the Commission of the service status of its system. The report must be labeled as an exhibit to the renewal application. At minimum, the report must include:

(1) A description of its current service in terms of geographic coverage and population served;

(2) An explanation of its record of expansion, including a timetable of new construction to meet changes in demand for service;

(3) A description of its investments in its 218–219 MHz Service systems;

(4) A list, including addresses, of all component CTSs constructed; and

(5) Copies of all FCC orders finding the licensee to have violated the Communications Act or any FCC rule or policy; and a list of any pending proceedings that relate to any matter described in this paragraph.

(c) Failure to demonstrate that substantial service is being provided in the service area will result in forfeiture

of the license, and will result in the licensee's ineligibility to apply for 218–219 MHz Service licenses for three years from the date the Commission takes final action affirming that the 218–219 MHz Service license has been canceled pursuant to § 95.1913 of this part.

§ 95.1935 Station identification.

No RTU or CTS is required to transmit a station identification announcement.

§ 95.1937 Station inspection.

Upon request by an authorized Commission representative, the 218–219 MHz Service system licensee must make any component CTS available for inspection.

§ 95.1951 Certification.

Each CTS and RTU transmitter must be certified for use in the 218–219 MHz Service in accordance with subpart J of part 2 of this chapter.

§ 95.1953 Frequency segments.

There are two frequency segments available for assignment to the 218–219 MHz Service in each service area. Frequency segment A is 218.000–218.500 MHz. Frequency segment B is 218.501–219.000 MHz.

§ 95.1955 Transmitter effective radiated power limitation.

The effective radiated power (ERP) of each CTS and RTU shall be limited to the minimum necessary for successful communications. No CTS or fixed RTU may transmit with an ERP exceeding 20 Watts. No mobile RTU may transmit with an ERP exceeding 4 Watts.

§ 95.1957 Emission standards.

(a) All transmissions by each CTS and by each RTU shall use an emission type that complies with the following standard for unnecessary radiation.

(b) All spurious and out-of-band emissions shall be attenuated:

(1) Zero dB on any frequency within the authorized frequency segment.

(2) At least 28 dB on any frequency removed from the midpoint of the assigned frequency segment by more than 250 kHz up to and including 750 kHz;

(3) At least 35 dB on any frequency removed from the midpoint of the assigned frequency segment by more than 750 kHz up to and including 1250 kHz;

(4) At least 43 plus 10 log (base 10) (mean power in Watts) dB on any frequency removed from the midpoint of the assigned frequency segment by more than 1250 kHz.

(c) When testing for certification, all measurements of unnecessary radiation are performed using a carrier frequency as close to the edge of the authorized frequency segment as the transmitter is designed to be capable of operating.

(d) The reference bandwidth of the instrumentation used to measure the emission power shall be 100 Hz for measuring emissions up to and including 250 kHz from the edge of the authorized frequency segment, and 10 kHz for measuring emissions more than 250 kHz from the edge of the authorized frequency segment. If a video filter is used, its bandwidth shall not be less than the reference bandwidth. The power level of the highest emission within the frequency segment, to which the attenuation is referenced, shall be remeasured for each change in reference bandwidth.

§ 95.1959 Antennas.

(a) The overall height from ground to topmost tip of the CTS antenna shall not exceed the height necessary to assure adequate service. Certain CTS antennas must be individually licensed to the 218–219 MHz System licensee (*see* § 95.1911(b) of this part). CTS antennas must also meet the requirements in § 95.317 regarding menaces to air navigation. *See* 47 CFR 95.317 and consult part 17 of the FCC's Rules for more information (47 CFR part 17).

(b) [Reserved]

(c) The RTU may be connected to an external antenna not more than 6.1 m (20 feet) above ground or above an existing man-made structure (other than an antenna structure). Connectors that are used to connect RTUs to an external antenna shall not be of the types generally known as ''F-type'' or ''BNC type.'' Use of an external antenna is subject to § 95.1961.

§ 95.1961 Interference.

(a) When a 218–219 MHz Service system suffers harmful interference within its service area or causes harmful interference to another 218–219 MHz Service system, the licensees of both systems must cooperate and resolve the problem by mutually satisfactory arrangements. If the licensees are unable to do so, the Commission may impose restrictions including, but not limited to, specifying the transmitter power, antenna height or area, duty cycle, or hours of operation for the stations concerned.

(b) The use of any frequency segment (or portion thereof) at a given geographical location may be denied when, in the judgment of the Commission, its use in that location is not in the public interest; the use of a frequency segment (or portion thereof) specified for the 218–219 MHz Service system may be restricted as to specified geographical areas, maximum power, or other operating conditions.

(c) A 218–219 MHz Service licensee must provide a copy of the plan required by § 95.1915 (a) of this part to every TV Channel 13 station whose Grade B predicted contour overlaps the licensed service area for the 218–219 MHz Service system. The 218–219 MHz Service licensee must send the plan to the TV Channel 13 licensee(s) within 10 days from the date the 218–219 MHz Service licensee submits the plan to the Commission, and the 218–219 MHz Service licensee must send updates to this plan to the TV Channel 13 licensee(s) within 10 days from the date that such updates are filed with the Commission pursuant to § 95.1915.

(d) Each 218–219 MHz Service system licensee must provide upon request, and install free of charge, an interference reduction device to any household within a TV Channel 13 station Grade B predicted contour that experiences interference due to a component CTS or RTU.

(e) Each 218–219 MHz Service system licensee must investigate and eliminate harmful interference to television broadcasting and reception, from its component CTSs and RTSs, within 30 days of the time it is notified in writing, by either an affected television station, an affected viewer, or the Commission, of an interference complaint. Should the licensee fail to eliminate the interference within the 30-day period, the CTS(s) or RTU(s) causing the problem(s) must discontinue operation.

(f) The boundary of the 218–219 MHz Service system, as defined in its authorization, is the limit of interference protection for that 218–219 MHz Service system.

§ § 95.1963–95.1999 [Reserved]

Subpart G—Low Power Radio Service

§ 95.2101 Scope.

This subpart contains rules that apply only to the Low Power Radio Service (LPRS).

§ 95.2103 Definitions, LPRS.

Automated maritime telecommunications system (AMTS). An automatic maritime communications system administered under part 80 of this chapter.

Individuals with disabilities. Individuals with a physical or mental impairment that substantially limits one or more of the major life activities of such individuals. *See* section 3(2)(A) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)(A)).

Low Power Radio Service (LPRS). A short-distance voice and data

communication service for providing auditory assistance to persons with disabilities (and others), health care related communications, law enforcement tracking, and for certain other purposes.

§ 95.2105 LPRS operator eligibility.

Subject to the requirements of §§ 95.305 and 95.307, any person is eligible to operate a station in the Low Power Radio Service, except that only a person that holds an AMTS license issued under part 80 of this chapter may operate an LPRS station for AMTS purposes (*see* § 95.2131(d)).

§ 95.2107 [Reserved]

§ 95.2109 Notification to affected TV stations required for AMTS use.

Prior to operating a LPRS transmitter with an AMTS, the AMTS licensee must notify, in writing, each television station that may be affected by such operations, as defined in § 80.215(h) of this chapter. The notification provided with the station's license application (under part 80 of this chapter) is sufficient to satisfy this requirement if no new television stations would be affected.

§ § 95.2111–95.2123 [Reserved]

§ 95.2125 LPRS interference.

Operation of LPRS stations must not cause harmful interference to the United States Air Force Space Surveillance system (operating in the 216.88–217.08 MHz frequency band) or to reception within the service contour of any type of DTV or TV Broadcast station operating on Channel 13.

§ § 95.2127–95.2129 [Reserved]

§ 95.2131 Permissible LPRS uses.

LPRS stations may be used to transmit voice, data, or tracking signals, as appropriate, to provide:

(a) Auditory assistance communications (including, but not limited to, applications such as assistive listening devices, audio description for the blind, and simultaneous language translation) for:

(1) Individuals with disabilities;

(2) Individuals who require language translation; or

(3) Individuals who may otherwise benefit from auditory assistance communications in educational settings.

(b) Health care related communications for the ill;

(c) Law enforcement tracking signals (for homing or interrogation) including the tracking of persons or stolen goods under authority or agreement with a law enforcement agency (Federal, state, or local) having jurisdiction in the area where the transmitters are placed;

(d) Point-to-point network control communications for AMTS licensed under part 80 of this chapter.

§ 95.2133 Prohibited LPRS uses.

LPRS stations must not be used for two-way voice communications.

§ 95.2141 LPRS antenna height and directivity requirements.

LPRS operators must ensure that their stations satisfy the antenna requirements in this section.

(a) For LPRS units where the antenna is an integral part of the unit, and for LPRS stations operating entirely within an enclosed structure, *e.g.,* a building, there is no limit on antenna height.

(b) For all other LPRS units, the tip of the antenna must not exceed 30.5 meters (100 feet) above ground level. If harmful interference occurs, the FCC may require that the LPRS station antenna height be reduced.

(c) Directional transmit antennas must be used for LPRS stations used with AMTS.

(d) LPRS antennas must also meet the requirements in § 95.317 regarding menaces to air navigation. *See* 47 CFR 95.317 and consult part 17 of the FCC's Rules for more information (47 CFR part 17).

§ § 95.2143–95.2159 [Reserved]

§ 95.2161 LPRS transmitter certification.

(a) Each LPRS transmitter (a transmitter that operates or is intended to operate in the LPRS) must be certified in accordance with this subpart and part 2 of this chapter.

(b) A grant of equipment certification for the LPRS will not be issued for any LPRS transmitter type that fails to comply with all of the applicable rules in this subpart.

§ 95.2163 LPRS channels.

LPRS transmitters may operate on any channel listed in paragraphs (a), (b), and (c) of this section. Channels 19, 20, 50, and 151–160 are available exclusively for law enforcement tracking purposes. AMTS transmissions are limited to the 216.750–217.000 MHz frequency band for low power point-to-point network control communications by AMTS coast stations. Other AMTS transmissions in the 216–217 MHz frequency band are prohibited.

(a) *Standard band channels.* The following table lists the standard band channel numbers and corresponding center frequencies in Megahertz.

Channel No.	Center frequency (MHz)
1	216.0125
2	216.0375
3	216.0625
4	216.0875
5	216.1125
6	216.1375
7	216.1625
8	216.1875
9	216.2125
10	216.2375
11	216.2625
12	216.2875
13	216.3125
14	216.3375
15	216.3625
16	216.3875
17	216.4125
18	216.4375
19	216.4625
20	216.4875
21	216.5125
22	216.5375
23	216.5625
24	216.5875
25	216.6125
26	216.6375
27	216.6625
28	216.6875
29	216.7125
30	216.7375
31	216.7625
32	216.7875
33	216.8125
34	216.8375
35	216.8625
36	216.8875
37	216.9125
38	216.9375
39	216.9625
40	216.9875

(b) *Extra band channels.* The following table lists the extra band channel numbers and corresponding center frequencies in Megahertz.

Channel No.	Center frequency (MHz)
41	216.025
42	216.075
43	216.125
44	216.175
45	216.225
46	216.275
47	216.325
48	216.375
49	216.425
50	216.475
51	216.525
52	216.575
53	216.625
54	216.675
55	216.725
56	216.775
57	216.825
58	216.875
59	216.925
60	216.975

(c) *Narrowband channels.* The following table lists the narrowband channel numbers and corresponding center frequencies in Megahertz.

Channel No.	Center frequency (MHz)
61	216.0025
62	216.0075
63	216.0125
64	216.0175
65	216.0225
66	216.0275
67	216.0325
68	216.0375
69	216.0425
70	216.0475
71	216.0525
72	216.0575
73	216.0625
74	216.0675
75	216.0725
76	216.0775
77	216.0825
78	216.0875
79	216.0925
80	216.0975
81	216.1025
82	216.1075
83	216.1125
84	216.1175
85	216.1225
86	216.1275
87	216.1325
88	216.1375
89	216.1425
90	216.1475
91	216.1525
92	216.1575
93	216.1625
94	216.1675
95	216.1725
96	216.1775
97	216.1825
98	216.1875
99	216.1925
100	216.1975
101	216.2025
102	216.2075
103	216.2125
104	216.2175
105	216.2225
106	216.2275
107	216.2325
108	216.2375
109	216.2425
110	216.2475
111	216.2525
112	216.2575
113	216.2625
114	216.2675
115	216.2725
116	216.2775
117	216.2825
118	216.2875
119	216.2925
120	216.2975
121	216.3025
122	216.3075
123	216.3125
124	216.3175
125	216.3225
126	216.3275
127	216.3325
128	216.3375
129	216.3425
130	216.3475
131	216.3525
132	216.3575
133	216.3625
134	216.3675
135	216.3725
136	216.3775
137	216.3825
138	216.3875
139	216.3925
140	216.3975
141	216.4025
142	216.4075
143	216.4125
144	216.4175
145	216.4225
146	216.4275
147	216.4325
148	216.4375
149	216.4425
150	216.4475
151	216.4525
152	216.4575
153	216.4625
154	216.4675
155	216.4725
156	216.4775
157	216.4825
158	216.4875
159	216.4925
160	216.4975
161	216.5025
162	216.5075
163	216.5125
164	216.5175
165	216.5225
166	216.5275
167	216.5325
168	216.5375
169	216.5425
170	216.5475
171	216.5525
172	216.5575
173	216.5625
174	216.5675
175	216.5725
176	216.5775
177	216.5825
178	216.5875
179	216.5925
180	216.5975
181	216.6025
182	216.6075
183	216.6125
184	216.6175
185	216.6225
186	216.6275
187	216.6325
188	216.6375
189	216.6425
190	216.6475
191	216.6525
192	216.6575
193	216.6625
194	216.6675
195	216.6725
196	216.6775
197	216.6825
198	216.6875
199	216.6925
200	216.6975
201	216.7025
202	216.7075
203	216.7125
204	216.7175
205	216.7225
206	216.7275
207	216.7325
208	216.7375
209	216.7425
210	216.7475
211	216.7525
212	216.7575
213	216.7625
214	216.7675
215	216.7725
216	216.7775
217	216.7825
218	216.7875
219	216.7925
220	216.7975
221	216.8025
222	216.8075
223	216.8125
224	216.8175
225	216.8225
226	216.8275
227	216.8325
228	216.8375
229	216.8425
230	216.8475
231	216.8525
232	216.8575
233	216.8625
234	216.8675
235	216.8725
236	216.8775
237	216.8825
238	216.8875
239	216.8925
240	216.8975
241	216.9025
242	216.9075
243	216.9125
244	216.9175
245	216.9225
246	216.9275
247	216.9325
248	216.9375
249	216.9425
250	216.9475
251	216.9525
252	216.9575
253	216.9625
254	216.9675
255	216.9725
256	216.9775
257	216.9825
258	216.9875
259	216.9925
260	216.9975

(d) *AMTS network control communications.* LPRS stations operating as part of an AMTS may use the 216.750–217.000 MHz frequency range as a single 250 kHz bandwidth channel.

§ 95.2165 LPRS frequency accuracy.

Each LPRS transmitter type must be designed to satisfy the frequency accuracy requirements in this section.

(a) LPRS transmitters operating on standard band (25 kHz) or extra band (50 kHz) channels must be designed such that the carrier frequencies remain within ±50 ppm of the channel center frequencies specified in § 95.2163(a) and (b), respectively, during normal operating conditions.

(b) LPRS transmitters operating on narrowband (5 kHz) channels must be designed such that the carrier frequencies remain within ±1.5 ppm of the channel center frequencies specified in § 95.2163(c) during normal operating conditions.

§ 95.2167 LPRS transmitting power.

Each LPRS transmitter type not intended for use with an AMTS station must be designed to satisfy the transmitting power limits in paragraph (a) of this section. The licensee of each AMTS station is responsible for compliance with paragraph (b) of this section.

(a) The ERP of an LPRS transmitter, other than an LPRS transmitter used with an AMTS station, must not exceed 100 mW.

(b) The ERP of an LPRS transmitter used with an AMTS station must not exceed 1 Watt.

§ § 95.2169–95.2171 [Reserved]

§ 95.2173 LPRS authorized bandwidths.

Each LPRS transmitter type must be designed such that the occupied bandwidth does not exceed the authorized bandwidth for the channel bandwidth used.

(a) The authorized bandwidth for emissions transmitted on the narrowband channels listed in § 95.2163(c) is 4 kHz.

(b) The occupied bandwidth for emissions transmitted on the standard band, extra band or AMTS channels listed in § 95.2163(a), (b), or (d), respectively, is limited through compliance with the unwanted emissions rule (§ 95.2179).

§ § 95.2175–95.2177

§ 95.2179 LPRS unwanted emission limits.

The requirements in this section apply to each LPRS transmitter type both with and without the connection of attachments, such as an external microphone, power cord and/or antenna.

(a) *Emission masks.* Emission masks applicable to transmitting equipment in the LPRS are defined by the requirements in the following table. The numbers in the paragraphs column refer to attenuation requirement rule paragraph numbers under paragraph (b) of this section.

Channels	Paragraphs
narrowband 5 kHz	(1), (2)
standard band 25 kHz	(3), (4)
extra band 50 kHz	(5), (6)
AMTS 250 kHz	(7), (8)

(b) *Attenuation requirements.* The power of unwanted emissions must be attenuated below the transmitter output power in Watts (P) by at least:

(1) $30 + 20(f_d - 2)$ dB, 55 + 10 log (P) dB, or 65 dB, whichever is the least attenuation, on any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d, in kHz) of more than 2 kHz, up to and including 3.75 kHz.

(2) 55 + 10 log (P) dB on any frequency removed from the center of the authorized bandwidth by more than 3.75 kHz.

(3) 30 dB on any frequency removed from the channel center frequency by 12.5 kHz to 22.5 kHz.

(4) 43 + 10 log (P) dB on any frequency removed from the channel center frequency by more than 22.5 kHz.

(5) 30 dB on any frequency removed from the channel center frequency by 25 kHz to 35 kHz.

(6) 43 + 10 log (P) dB on any frequency removed from the channel center frequency by more than 35 kHz.

(7) 30 dB on any frequency removed from the channel center frequency by 125 kHz to 135 kHz.

(8) 43 + 10 log (P) dB on any frequency removed from the channel center frequency by more than 135 kHz.

(c) *Measurement conditions and procedures.* The power of unwanted emissions in the frequency bands specified in paragraphs (b)(1), (3), (5), and (7) of this section is measured with a reference bandwidth of 300 Hz. The power of unwanted emissions in the frequency ranges specified in paragraphs (b)(2), (4), (6), and (8) is measured with a reference bandwidth of at least 30 kHz.

§ 95.2181–95.2189 [Reserved]

§ 95.2191 LPRS marketing limitations.

Transmitters intended for operation in the LPRS may be marketed and sold only for those uses described in § 95.2131.

§ 95.2193 LPRS labeling requirements.

Each LPRS transmitting device must be labeled with the following statement in a conspicuous location on the device:

This device may not interfere with TV reception or Federal Government radar.

(a) Where the LPRS device is constructed in two or more sections connected by wire and marketed together, the statement specified in this section is required to be affixed only to the main control unit.

(b) When the LPRS device is so small or for such use that it is not practicable to place the statement specified in this section on it, the statement must be placed in a prominent location in the instruction manual or pamphlet supplied to the user or, alternatively, must be placed on the container in which the device is marketed.

§ 95.2195 LPRS disclosures.

Manufacturers of LPRS transmitters used for auditory assistance, health care assistance, and law enforcement tracking purposes must include with each transmitting device the following statement:

This transmitter is authorized by rule under the Low Power Radio Service (47 CFR part 95) and must not cause harmful interference to TV reception or to the United States Air Force Space Surveillance System operating in the 216.88–217.08 MHz band. With the exception of automated maritime telecommunications system (AMTS) devices, you do not need an FCC license to operate this transmitter. This transmitter may only be used to provide: auditory assistance to persons with disabilities, persons who require language translation, or persons in educational settings; health care services to the ill; law enforcement tracking services under agreement with a law enforcement agency; or AMTS network control communications. Two-way voice communications and all other types of uses not mentioned above are expressly prohibited.

§ 95.2197–95.2999 [Reserved]

Subpart H—Wireless Medical Telemetry Service

§ 95.2301 Scope.

This subpart contains rules that apply only to the Wireless Medical Telemetry Service (WMTS) operating in the 608–614 MHz, 1395–1400 MHz and 1427–1432 MHz frequency bands.

§ 95.2303 Definitions, WMTS.

Authorized health care provider. A physician or other individual authorized under state or Federal law to provide health care services, or any other health care facility operated by or employing individuals authorized under state or Federal law to provide health care services, or any trained technician operating under the supervision and control of an individual or health care facility authorized under state or Federal law to provide health care services.

Health care facility. A health care facility includes hospitals and other establishments that offer services, facilities and beds for use beyond a 24-hour period in rendering medical treatment, and institutions and organizations regularly engaged in providing medical services through clinics, public health facilities, and similar establishments, including government entities and agencies such as Veterans Administration hospitals; except the term health care facility does not include an ambulance or other moving vehicle.

Wireless Medical Telemetry Service (WMTS). A short-distance data communication service for the transmission of physiological parameters and other patient medical information via radiated electromagnetic signals.

Wireless medical telemetry. The measurement and recording of physiological parameters and other patient-related information via radiated bi-or unidirectional electromagnetic signals in the 608–614 MHz, 1395–1400 MHz and 1427–1432 MHz frequency bands.

§ 95.2305 WMTS operator eligibility.

Only the following persons are eligible to operate transmitters in the Wireless Medical Telemetry Service:

(a) Authorized health care providers are eligible to operate transmitters in the WMTS without an individual license issued by the FCC provided the coordination requirements in § 95.2309 have been met.

(b) Manufacturers of wireless medical telemetry devices and their representatives are eligible to operate WMTS transmitters solely for the purpose of demonstrating such equipment to, or installing and maintaining such equipment for, authorized health care providers.

§ 95.2307 [Reserved]

§ 95.2309 WMTS frequency coordination.

Operation of WMTS devices is subject to the frequency coordination procedures in this section.

(a) *Frequency coordinators.* The FCC designates one or more frequency coordinators to manage WMTS use of the frequency bands designated for the operation of WMTS devices.

(1) Contact information for the frequency coordinator can be obtained from the FCC's Web site at: *https://www.fcc.gov/encyclopedia/wireless-medical-telemetry-service-wmts* or by calling the FCC at 1–888–CALL–FCC (1–888–225–5322).

(2) The duties of the frequency coordinators are to:

(i) Review and process coordination requests submitted by authorized health care providers as required by this section;

(ii) Maintain a database of WMTS use;

(iii) Notify users of potential conflicts;

(iv) Coordinate WMTS operation with radio astronomy observatories and Federal Government radar systems as specified in paragraphs (f) and (g).

(v) Notify licensees operating pursuant to § 90.259(b) of this chapter of the need to comply with the field strength limit of § 90.259(b)(11) prior to initial activation of WMTS equipment in the 1427–1432 MHz band.

(vi) Notify licensees operating in the 1392–1395 MHz band (pursuant to subpart I of part 27 of this chapter) of the need to comply with the field strength limit of § 27.804 prior to initial activation of WMTS equipment in the 1395–1400 MHz band.

(b) *Initial registration.* Prior to first use of a WMTS device for wireless medical telemetry in a health care facility, the authorized health care provider shall register the device with a designated frequency coordinator. After April 14, 2010, no registrations may be accepted for frequencies where WMTS does not have primary status. Previously registered secondary facilities may continue to operate as registered.

(c) *Maintaining current information.* The authorized health care provider shall maintain the information contained in each registration current in all material respects, and shall notify the frequency coordinator when any material change is made in the location or operating parameters previously reported.

(d) *Discontinuation.* The authorized health care provider shall notify the frequency coordinator whenever a medical telemetry device is permanently taken out of service, unless the device is replaced with another transmitter utilizing the same technical characteristics as those reported on the effective registration.

(e) *Registration information.* Each registration includes the following information:

(1) The specific frequency range(s);

(2) The modulation scheme and/or emission type (including bandwidth);

(3) The effective radiated power;

(4) The number of WMTS devices in use at the health care facility as of the date of registration, including manufacturer name(s) and model numbers;

(5) The legal name of the authorized health care provider;

(6) The location of the WMTS device (*e.g.,* coordinates, street address, building, as appropriate); and,

(7) Contact information for the authorized health care provider (*e.g.,* name, title, office address, telephone number, fax number, email address).

(f) *Specific requirements for WMTS devices in the 608–614 MHz frequency band.* For a wireless medical telemetry device operating within the frequency range 608–614 MHz that will be located near the radio astronomy observatories listed below, operation is not permitted until a WMTS frequency coordinator referenced in § 95.2309 has coordinated with, and obtained the written concurrence of, the director of the affected radio astronomy observatory before the equipment can be installed or operated—

(1) Within 80 kilometers of:

(i) National Astronomy and Ionosphere Center, Arecibo, Puerto Rico: 18°–20′–38.28″ North Latitude, 66°–45′–09.42″ West Longitude;

(ii) National Radio Astronomy Observatory, Socorro, New Mexico: 34°–04′–43″ North Latitude, 107°–37′–04″ West Longitude; or

(iii) National Radio Astronomy Observatory, Green Bank, West Virginia: 38°–26′–08″ North Latitude, 79°–49′–42″ West Longitude.

(2) Within 32 kilometers of any of the National Radio Astronomy Observatory (NRAO) facilities (Very Long Baseline Array Stations) centered on the following geographical coordinates:

NRAO facilities	N. lat.	W. long.
Pie Town, NM	34°–18′	108°–07′
Kitt Peak, AZ	31°–57′	111°–37′
Los Alamos, NM	35°–47′	106°–15′
Fort Davis, TX	30°–38′	103°–57′
North Liberty, IA	41°–46′	91°–34′
Brewster, WA	48°–08′	119°–41′
Owens Valley, CA	37°–14′	118°–17′
Saint Croix, VI	17°–46′	64°–35′
Mauna Kea, HI	19°–49′	155°–28′
Hancock, NH	42°–56′	71°–59′

(3) The National Science Foundation point of contact for coordination is: Spectrum Manager, Division of Astronomical Sciences, NSF Room 1045, 4201 Wilson Blvd., Arlington, VA 22230; telephone: 703–292–8820.

(g) *Specific requirements for WMTS devices in the 1395–1400 and 1427–1432 MHz bands.* Due to the critical nature of communications transmitted under this part, the frequency coordinator in consultation with the National Telecommunications and Information Administration will determine whether there are any Federal Government systems whose operations could affect, or could be affected by, proposed WMTS operations in the 1395–1400 MHz and 1427–1432 MHz bands. The locations of government

systems in these bands are specified in footnotes US351 and US352 of § 2.106 of this chapter.

§ § 95.2311–95.2323 [Reserved]

§ 95.2325 WMTS interference.

Authorized health care providers, in conjunction with the equipment manufacturers, must cooperate in the selection and use of frequencies in order to reduce the potential for interference with other wireless medical telemetry devices, or other co-primary users. However, WMTS operations in the 608–614 MHz band are not entitled to protection from adjacent band interference from broadcast television stations transmitting on TV Channels 36 and 38.

§ § 95.2327–95.2329 [Reserved]

§ 95.2331 Permissible WMTS uses.

WMTS transmitters are used to transmit wireless medical telemetry, on a unidirectional or bidirectional basis. All transmissions must be related to the provision of medical care.

§ 95.2333 Prohibited WMTS uses.

Operators of WMTS transmitters must not use them for any purpose not set forth in § 95.2331 or in a manner prohibited in this section.

(a) WMTS transmitters must not be operated in moving vehicles, such as ambulances, even if the vehicles are associated with a health care facility.

(b) The operation of a wireless medical telemetry transmitter under this part is authorized anywhere within a health care facility provided the facility is located anywhere Personal Radio Service station operation is permitted under §§ 95.307 and 95.309. Operation in any other area outside of such health care facilities is prohibited.

(c) WMTS transmitters must not be used to transmit voice or video communications. Medical waveforms, such as electrocardiograms, are not considered to be video for the purpose of this section.

§ § 95.2335–95.2345 [Reserved]

§ 95.2347 WMTS automatic control.

Notwithstanding the provisions of § 95.347, WMTS operations may be conducted under manual or automatic control.

§ § 95.2349–95.2355 [Reserved]

§ 95.2357 WMTS duration of transmissions.

WMTS operations may be conducted on a continuous basis, notwithstanding the provisions of § 95.357.

§ 95.2359 [Reserved]

§ 95.2361 WMTS transmitter certification.

(a) WMTS transmitters (transmitters that operate or are intended to operate in the WTMS) must be certified in accordance with this subpart and the provisions of part 2, subpart J of this chapter.

(b) A grant of equipment certification for the WMTS will not be issued for any WMTS transmitter type that fails to comply with the applicable rules in this subpart.

§ 95.2363 WMTS frequency bands and channels.

The channels listed in this section are allotted for shared use in the WMTS and channels will not be assigned for exclusive use of any entity.

(a) WMTS transmitter types must operate in one or more of these frequency bands:

(1) 608–614 MHz (co-primary);

(2) 1395–1400 MHz (co-primary); or,

(3) 1427–1429.5 MHz (co-primary) and 1429.5–1432 MHz (secondary), except at the locations listed in § 90.259(b)(4) of this chapter where WMTS transmitters may operate in the 1429–1431.5 MHz frequency band on a primary basis and in the 1427–1429 MHz and 1431.5–1432 MHz bands on a secondary basis. *See* note US350 to the Table of Frequency Allocations in § 2.106 of this chapter for additional details.

(b) WMTS transmitter types utilizing broadband technologies (such as spread spectrum modulation) in the 608–614 MHz frequency band must be capable of using one or more of the following 1.5 MHz bandwidth channels (a maximum of 6 MHz bandwidth). Such transmitter types must be designed to use the minimum number of channels necessary to avoid harmful interference to other WMTS devices.

(1) 608.0–609.5 MHz
(2) 609.5–611.0 MHz
(3) 611.0–612.5 MHz
(4) 612.5–614.0 MHz

(c) In the 1395–1400 MHz and 1427–1432 MHz bands, no specific channels are specified. Wireless medical telemetry devices may operate on any channel within the bands authorized for wireless medical telemetry use in this part.

§ 95.2365 WMTS frequency accuracy.

Manufacturers of wireless medical telemetry devices are responsible for ensuring frequency accuracy such that all emissions are maintained within the designated bands of operation under all of the manufacturer's specified conditions.

§ 95.2367 [Reserved]

§ 95.2369 WMTS field strength limits.

Each WMTS transmitter type must satisfy the field strength limits in this section.

(a) For WMTS transmitter types operating in the 608–614 MHz band, the field strength of the transmitted signal must not exceed 200 mV/m, measured at a distance of 3 meters, using instrumentation with a CISPR quasi-peak detector.

(b) For WMTS transmitter types operating in the 1395–1400 MHz and 1427–1432 MHz bands, the field strength of the transmitted signal must not exceed 740 mV/m, measured at 3 meters, using instrumentation with an averaging detector and a 1 MHz reference bandwidth.

§ § 95.2371–95.2377 [Reserved]

§ 95.2379 WMTS unwanted emissions limits.

Each WMTS transmitter type must be designed to comply with the requirements in this paragraph.

(a) Unwanted emissions on frequencies below 960 MHz must not exceed 200 μV/m, measured at a distance of 3 meters using measuring instrumentation with a CISPR quasi-peak detector.

(b) Unwanted emissions on frequencies above 960 MHz must not exceed 500 μV/m, measured at a distance of 3 meters using measuring equipment with an averaging detector and a 1 MHz measurement bandwidth.

§ § 95.2381–95.2383 [Reserved]

§ 95.2385 WMTS RF exposure evaluation.

Portable devices as defined in § 2.1093(b) of this chapter operating in the WMTS are subject to radio frequency radiation exposure requirements as specified in §§ 1.1307(b) and 2.1093 of this chapter. Applications for equipment authorization of WMTS devices must contain a statement confirming compliance with these requirements. Technical information showing the basis for this statement must be submitted to the Commission upon request.

§ § 95.2387–95.2391 [Reserved]

§ 95.2393 WMTS labeling requirements.

Each WMTS device must be labeled with the following statement: ''Operation of this equipment requires the prior coordination with a frequency coordinator designated by the FCC for the Wireless Medical Telemetry Service.''

§ 95.2395 WMTS disclosure.

Manufacturers, installers and users of WMTS equipment are cautioned that the operation of this equipment could result in harmful interference to other nearby medical devices.

§ § 95.2397–95.2499 [Reserved]

Subpart I—Medical Device Radio Communications Service

§ 95.2501 Scope.

This subpart contains rules that apply only to the Medical Device Radio Communications (MedRadio) Service.

§ 95.2503 Definitions, MedRadio.

Duly authorized health care professional. A physician or other individual authorized under State or Federal law to provide health care services.

Medical Body Area Network (MBAN). An MBAN is a low power network consisting of a MedRadio programmer/control transmitter and one or more medical body-worn devices all of which transmit or receive non-voice data or related device control commands for the purpose of measuring and recording physiological parameters and other patient information or performing diagnostic or therapeutic functions via radiated bi-directional or uni-directional electromagnetic signals

Medical body-worn device. Apparatus that is placed on or in close proximity to the human body (*e.g.,* within a few centimeters) for the purpose of performing diagnostic or therapeutic functions.

Medical body-worn transmitter. A MedRadio transmitter intended to be placed on or in close proximity to the human body (*e.g.,* within a few centimeters) used to facilitate communications with other medical communications devices for purposes of delivering medical therapy to a patient or collecting medical diagnostic information from a patient.

Medical Device Radio Communications (MedRadio) Service. An ultra-low power radio service for the transmission of non-voice data for the purpose of facilitating diagnostic and/or therapeutic functions involving implanted and body-worn medical devices.

Medical implant device. Apparatus that is placed inside the human body for the purpose of performing diagnostic or therapeutic functions.

Medical implant event. An occurrence or the lack of an occurrence recognized by a medical implant device, or a duly authorized health care professional, that requires the transmission of data from a medical implant transmitter in order to protect the safety or well-being of the person in whom the medical implant transmitter has been implanted.

Medical implant transmitter. A MedRadio transmitter in which both the antenna and transmitter device are designed to operate within a human body for the purpose if facilitating communications from a medical implant device.

Medical Micropower Network (MMN). An ultra-low power wideband network consisting of a MedRadio programmer/control transmitter and medical implant transmitters, all of which transmit or receive non-voice data or related device control commands for the purpose of facilitating functional electric stimulation, a technique using electric currents to activate and monitor nerves and muscles.

MedRadio channel. Any continuous segment of spectrum that is equal to the MedRadio emission bandwidth of the device with the largest bandwidth that is to participate in a MedRadio communications session.

MedRadio communications session. A collection of transmissions, that may or may not be continuous, between MedRadio system devices.

MedRadio emission bandwidth. The difference in frequency between the nearest points on either side of the carrier center frequency where the emission power is at least 20 dB below the maximum level of the modulated carrier power, measured using instrumentation employing a peak detector function and a resolution bandwidth approximately equal to 1% of the emission bandwidth.

MedRadio equivalent isotropically radiated power (M–EIRP). Antenna input power times gain for free-space or in-tissue measurement configurations required for MedRadio equipment, expressed in Watts, where the gain is referenced to an isotropic radiator.

MedRadio programmer/control transmitter. A MedRadio transmitter that operates or is designed to operate outside of a human body for the purpose of communicating with a receiver, or for triggering a transmitter, connected to a medical implant device or to a medical body-worn device used in the MedRadio Service; and which also typically includes a frequency monitoring system that initiates a MedRadio communications session.

§ 95.2505 MedRadio operator eligibility.

Only the following persons are eligible to operate transmitters in the MedRadio Service:

(a) Duly authorized health care professionals are permitted to operate MedRadio transmitters.

(b) Individuals may also operate MedRadio transmitters that they use at the direction of a duly authorized health care professional. This includes medical devices that have been implanted in or placed on the body of the individual by, or under the direction of, a duly authorized health care professional.

(c) Manufacturers of medical devices that include MedRadio transmitters, and their representatives, are eligible to operate MedRadio transmitters for the purpose of demonstrating such equipment to duly authorized health care professionals.

§ 95.2507 MBAN devices restricted to indoor operation within a health care facility.

Use of Medical Body Area Network (MBAN) devices in the 2360–2390 MHz band is restricted to indoor operation within a health care facility registered with the MBAN frequency coordinator under § 95.2509. For the purposes of this subpart, health care facilities are limited to hospitals and other establishments, both Federal and non-Federal, that offer services, facilities and beds for use beyond a 24 hour period in rendering medical treatment.

§ 95.2509 MBAN registration and frequency coordination.

Operation of Medical Body Area Network (MBAN) devices is subject to the frequency coordination procedures in this section.

(a) The FCC will designate a frequency coordinator(s) to manage the operation of medical body area networks by eligible health care facilities.

(b) The frequency coordinator shall perform the following functions:

(1) Register health care facilities that operate MBAN transmitters, maintain a database of these MBAN transmitter locations and operational parameters, and provide the FCC with information contained in the database upon request;

(2) Determine if an MBAN is within line-of-sight of an Aeronautical Mobile Telemetry (AMT) receive facility in the 2360–2390 MHz band and coordinate MBAN operations with the designated AMT frequency coordinator, as specified in § 87.305 of this chapter;

(3) Notify a registered health care facility when an MBAN has to change frequency within the 2360–2390 MHz band or to cease operating in the band, consistent with a coordination agreement between the MBAN and AMT frequency coordinators;

(4) Develop procedures to ensure that registered health care facilities operate an MBAN consistent with the coordination requirements under this section; and,

(5) Identify the MBAN that is the source of interference in response to a complaint from the AMT coordinator and notify the health care facility of alternative frequencies available for MBAN use or to cease operation consistent with the rules.

(c) *Registration.* Prior to operating MBAN devices that are capable of operation in the 2360–2390 MHz band, a health care facility must register with a frequency coordinator designated under § 95.2509. Operation of MBAN devices in the 2360–2390 MHz band is prohibited prior to the MBAN coordinator notifying the health care facility that registration and coordination (to the extent coordination is required under paragraph (e) of this section) is complete. The registration must include the following information:

(1) Specific frequencies or frequency range(s) within the 2360–2390 MHz band to be used, and the capabilities of the MBAN equipment to use the 2390–2400 MHz band;

(2) Equivalent isotropically radiated power;

(3) Number of MedRadio programmer/control transmitters in use at the health care facility as of the date of registration, including manufacturer name(s) and model number(s) and FCC identification number(s);

(4) Legal name of the health care facility;

(5) Location of MedRadio programmer/control transmitters (*e.g.,* geographic coordinates, street address, building);

(6) Point of contact for the health care facility (*e.g.,* name, title, office address, phone number, fax number, email address); and,

(7) In the event that an MBAN has to cease operating in all or a portion of the 2360–2390 MHz band due to interference under § 95.2525 or changes in coordination under paragraph (e) of this section, a point of contact (including contractors) for the health care facility that is responsible for ensuring that this change is effected whenever it is required (*e.g.,* name, title, office address, phone number, fax number, email address). The health care facility also must state whether, in such cases, its MBAN operation is capable of defaulting to the 2390–2400 MHz band and that it is responsible for ceasing MBAN operations in the 2360–2390 MHz band or defaulting traffic to other hospital systems.

(d) *Notification.* A health care facility shall notify the MBAN frequency coordinator whenever an MBAN programmer/control transmitter in the 2360–2390 MHz band is permanently taken out of service, unless it is replaced with transmitter(s) using the same technical characteristics as those reported on the health care facility's registration, which will cover the replacement transmitter(s). A health care facility shall keep the information contained in each registration current and shall notify the MBAN frequency coordinator of any material change to the MBAN's location or operating parameters. In the event that the health care facility proposes to change the MBAN's location or operating parameters, the MBAN coordinator must first evaluate the proposed changes and comply with paragraph (e) of this section as appropriate before the health care facility may operate the MBAN in the 2360–2390 MHz band under changed operating parameters.

(e) *Coordination procedures.* The MBAN coordinator will determine if an MBAN is within the line-of-sight of an AMT receive facility in the 2360–2390 MHz band and notify the health care facility when it may begin MBAN operations under the applicable procedures below.

(1) If the MBAN is beyond the line-of-sight of an AMT receive facility, it may operate without prior coordination with the AMT coordinator, provided that the MBAN coordinator provides the AMT coordinator with the MBAN registration information and the AMT frequency coordinator concurs that the MBAN is beyond the line-of-sight prior to the MBAN beginning operations in the band.

(2) If the MBAN is within line-of-sight of an AMT receive facility, the MBAN coordinator shall achieve a mutually satisfactory coordination agreement with the AMT coordinator prior to the MBAN beginning operations in the band. Such coordination agreement shall provide protection to AMT receive stations consistent with International Telecommunication Union (ITU) Recommendation ITU–R M.1459, ''Protection criteria for telemetry systems in the aeronautical mobile service and mitigation techniques to facilitate sharing with geostationary broadcasting-satellite and mobile-satellite services in the bands 1 452–1 525 and 2 310–2 360 MHz,'' May 2000, as adjusted using generally accepted engineering practices and standards that are mutually agreeable to both coordinators to take into account the local conditions and operating characteristics of the applicable AMT and MBAN facilities, and shall specify when the device shall limit its transmissions to segments of the 2360–2390 MHz band or must cease operation in the band. This ITU document is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 5 1. To enforce any edition other than that specified in this section, the Federal Communications Commission must publish a document in the **Federal Register** and the material must be available to the public. Copies of the recommendation may be obtained from ITU, Place des Nations, 1211 Geneva 20, Switzerland, or online at *http://www.itu.int/en/publications/Pages/default.aspx.* You may inspect a copy at the Federal Communications Commission, 445 12th Street SW., Washington, DC 20554, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.* ''Generally accepted engineering practices and standards'' include, but are not limited to, engineering analyses and measurement data as well as limiting MBAN operations in the band by time or frequency.

(3) If an AMT operator plans to operate a receive site not previously analyzed by the MBAN coordinator to determine line-of-sight to an MBAN facility, the AMT operator shall consider using locations that are beyond the line-of-sight of a registered health care facility. If the AMT operator determines that non-line-of-sight locations are not practical for its purposes, the AMT coordinator shall notify the MBAN coordinator upon no less than 7 days notice that the registered health care facility must cease MBAN operations in the 2360–2390 MHz band, unless the parties can achieve a mutually satisfactory coordination agreement under paragraph (e)(2) of this section.

(f) *Coordinator functions.* The MBAN frequency coordinator shall:

(1) Provide registration and coordination of MBAN operations to all eligible health care facilities on a non-discriminatory basis;

(2) Provide MBAN registration and coordination services on a not-for-profit basis;

(3) Notify the FCC of its intent to no longer serve as frequency coordinator at least six months prior to ceasing to perform these functions; and

(4) Transfer the MBAN registration data in usable form to a frequency coordinator designated by the FCC if it ceases to be the coordinator.

§ 95.2511–95.2521 [Reserved]

§ 95.2523 MedRadio transmitter inspection.

Any non-implanted MedRadio transmitter must be made available for inspection upon request by an authorized FCC representative. Persons operating implanted or body-worn MedRadio transmitters shall cooperate reasonably with duly authorized FCC representatives in the resolution of interference.

§ 95.2525 MedRadio interference.

(a) To reduce interference and make the most efficient use of the authorized facilities, MedRadio transmitters must share the spectrum in accordance with § 95.2559.

(b) MedRadio operations must not cause harmful interference to, and must accept any interference from, stations operating in the 400.150–406.000 MHz band in the Meteorological Aids, Meteorological Satellite or Earth Exploration Satellite Services, and other authorized stations operating in the 413–419 MHz, 426–432 MHz, 438–444 MHz, 451–457 MHz, and 2360–2400 MHz bands. MedRadio programmer/control transmitters must have the ability to operate in the presence of primary and secondary users in the 413–419 MHz, 426–432 MHz, 438–444 MHz, 451–457 MHz, and 2360–2400 MHz bands.

§ 95.2527–95.2529 [Reserved]

§ 95.2531 Permissible MedRadio uses.

MedRadio programmer/control transmitters may be operated only for the uses set forth in this section.

(a) MedRadio programmer/control transmitters may transmit only non-voice data containing operational, diagnostic and therapeutic information associated with a medical implant device or medical body-worn device that has been implanted or placed on the person by or under the direction of a duly authorized health care professional.

(b) MedRadio programmer/control transmitters may be operated for the purposes of testing and demonstrating MedRadio operation to health care professionals.

§ 95.2533 Prohibited MedRadio uses.

MedRadio Service transmitters must not be operated for uses other than those set forth in § 95.2531.

(a) Voice communications are prohibited in the MedRadio Service.

(b) MedRadio programmer/control transmitters may not be used to relay information in the 401–406 MHz band to a receiver that is not included with a medical implant or medical body-worn device. Wireless retransmission of information intended to be transmitted by a MedRadio programmer/control transmitter or information received from a medical implant or medical body-worn transmitter shall be performed using other radio services that operate in spectrum outside of the 401–406 MHz band.

(c) MedRadio programmer/control transmitters and medical implant transmitters may not be used to relay information in the 413–419 MHz, 426–432 MHz, 438–444 MHz, and 451–457 MHz bands to a receiver that is not a part of the same Medical Micropower Network (MMN). Wireless retransmission of information to a receiver that is not part of the same MMN must be performed using other radio services that operate in spectrum outside of the 413–419 MHz, 426–432 MHz, 438–444 MHz, and 451–457 MHz bands. Notwithstanding the above restrictions, a MedRadio programmer/control transmitter of an MMN may communicate with a MedRadio programmer/control transmitter of another MMN to coordinate transmissions, so as to avoid interference between the two MMNs.

(d) Medical body-worn transmitters may relay only information in the 2360–2400 MHz band to a MedRadio programmer/control transmitter or another medical body-worn transmitter device that is part of the same Medical Body Area Network (MBAN). A MedRadio programmer/control transmitter must not be used to relay information in the 2360–2400 MHz band to other MedRadio programmer/control transmitters. Wireless retransmission of all other information from an MBAN transmitter to a receiver that is not a part of the same MBAN shall be performed using other radio services that operate in spectrum outside of the 2360–2400 MHz band. Notwithstanding the above restriction, a MedRadio programmer/control transmitter in the 2360–2400 MHz band may communicate with another MedRadio programmer/control transmitter in the 2360–2400 MHz band to coordinate transmissions so as to avoid interference between the two MBANs.

(e) Except as provided in § 95.2559(b), no MedRadio implant or body-worn transmitter shall transmit except in response to—

(1) A transmission from a MedRadio programmer/control transmitter; or

(2) A non-radio frequency actuation signal generated by a device external to the body with respect to which device the MedRadio implant or body-worn transmitter is used.

§ 95.2535 MedRadio equipment certification exception.

Non-certified medical implant or medical body-worn transmitters that are not marketed for use in the United States, but which otherwise comply with the technical requirements in this subpart, may be used by individuals who travel to the United States.

§ 95.2537–95.2539 [Reserved]

§ 95.2541 MedRadio outdoor antenna restrictions.

The antenna for a MedRadio transmitter, other than a MedRadio transmitter operating in the 2390–2400 MHz band, must not be configured for permanent outdoor use. Furthermore, except for MedRadio operations in the 2390–2400 MHz band, any MedRadio antenna used outdoors must not be affixed to any structure for which the height to the tip of the antenna would exceed three meters (9.8 feet) above ground level.

§ 95.2543–95.2545 [Reserved]

§ 95.2547 MedRadio automatic control.

Notwithstanding the provisions of § 95.347, MedRadio transmitters may be operated under automatic control or manual control.

§ 95.2549 MedRadio network connection.

MedRadio programmer/control transmitters may be interconnected with other telecommunications systems including the public switched network.

§ 95.2551–95.2555 [Reserved]

§ 95.2557 MedRadio duration of transmissions.

For the purpose of facilitating MedRadio system operation during a MedRadio communications session, the duration of transmissions is to be limited in accordance with this section.

(a) MedRadio transmitters may transmit in the 401–406 MHz band in accordance with the provisions of § 95.2559(a) for no more than 5 seconds without the communications of data.

(b) MedRadio transmitters may transmit in the 401–406 MHz band in accordance with the provisions of § 95.2559(b)(2) and (3) for no more than 3.6 seconds in total within a one hour time period without the communications of data.

(c) MedRadio transmitters may transmit in the 401–406 MHz band in accordance with the provisions of § 95.2559(b)(4) for no more than 360 milliseconds in total within a one hour

time period without the communications of data.

(d) MedRadio programmer/control transmitters operating in the 413–419 MHz, 426–432 MHz, 438–444 MHz, and 451–457 MHz bands shall not transmit with a duty cycle greater than 3 percent.

§ 95.2559 MedRadio channel access requirements.

To reduce interference and make the most effective use of the MedRadio frequency bands, MedRadio transmitter types must be designed to operate in accordance with the rules in this section.

(a) *Frequency monitoring in the 401–406 MHz band.* Except as provided in paragraph (b) of this section, all MedRadio programmer/control transmitters operating in the 401–406 MHz band must operate under the control of a monitoring system that incorporates a mechanism for monitoring the channel or channels that the MedRadio system devices intend to occupy. The monitoring system antenna shall be the antenna normally used by the programmer/control transmitter for a MedRadio communications session. Before the monitoring system of a programmer/control transmitter initiates a MedRadio communications session, the following access criteria must be met:

(1) The monitoring system bandwidth, measured at its 20 dB down points, must be equal to or greater than the MedRadio emission bandwidth of the intended transmission.

(2) Within 5 seconds prior to initiating a MedRadio communications session, circuitry associated with a MedRadio programmer/control transmitter must monitor the channel or channels the system devices intend to occupy for a minimum of 10 milliseconds per channel.

(3) The monitoring threshold power level, $P_{MT,}$ in dBm, is calculated using the following formula.

$$P_{MT} = 10 \log B - 150 \text{ (dBm/Hz)} + G$$

Where:

(i) B is the MedRadio emission bandwidth in Hertz of the MedRadio communications session transmitter having the widest emission; and,

(ii) G is the MedRadio programmer/control transmitter monitoring system antenna gain, in decibels, relative to the gain of an isotropic antenna (dBi).

(4) For the purposes of showing compliance with the above provisions, the above calculated threshold power level must be increased or decreased by an amount equal to the monitoring system antenna gain above or below the gain of an isotropic antenna, respectively.

(5) If no signal above the monitoring threshold power level is detected in a MedRadio channel, the MedRadio programmer/control transmitter may initiate on that channel a MedRadio communications session involving transmissions to and from a medical implant or medical body-worn device. The MedRadio communications session may continue as long as any silent period between consecutive data transmission bursts does not exceed 5 seconds. If no channel meeting the requirements in paragraphs (a)(3) and (4) of this section is available, MedRadio transmitters that are capable of operating on multiple channels may transmit on the alternate channel accessible by the device with the lowest monitored ambient power level.

(6) When a channel is selected prior to a MedRadio communications session, it is permissible to select an alternate authorized channel for use if communications are interrupted, provided that the alternate channel selected is the next best choice using the above criteria. The alternate channel may be accessed in the event a communications session is interrupted by interference. The following criteria must be met:

(i) Before transmitting on the alternate channel, the channel must be monitored for a period of at least 10 milliseconds.

(ii) The detected power level during this 10 millisecond or greater monitoring period must be no higher than 6 dB above the power level detected when the channel was chosen as the alternate channel.

(iii) In the event that this alternate channel provision is not used by the MedRadio system, or if the criteria in paragraphs (a)(6)(i) and (ii) of this section are not met, any alternate authorized channel must be selected using the access criteria specified in paragraphs (a)(1) through (5) of this section.

(7) Except as provided in paragraph (b) of this section, MedRadio transmitters that operate on a single channel and thus do not have the capability of operating on alternate channels may not transmit unless no signal on the single channel of operation exceeds the monitoring threshold power level.

(b) *Exceptions to frequency monitoring in the 401–406 MHz band.* MedRadio devices or communications sessions that meet any one of the following criteria are not required to be operated in accordance with the access rules set forth in paragraph (a) of this section:

(1) MedRadio communications sessions that are initiated by a medical implant event.

(2) MedRadio devices operating in either the 401–401.85 MHz or 405–406 MHz bands, provided that the transmit power is not greater than 250 nanowatts EIRP and the duty cycle for such transmissions does not exceed 0.1%, based on the total transmission time during a one-hour interval, and a maximum of 100 transmissions per hour.

(3) MedRadio devices operating in the 401.85–402 MHz band, provided that the transmit power is not greater than 25 microwatts EIRP and the duty cycle for such transmissions does not exceed 0.1%, based on the total transmission time during a one-hour interval, and a maximum of 100 transmissions per hour.

(4) MedRadio devices operating with a total emission bandwidth not exceeding 300 kHz, centered at 403.65 MHz, provided that the transmit power is not greater than 100 nanowatts EIRP and the duty cycle for such transmissions does not exceed 0.01%, based on the total transmission time during a one-hour interval and a maximum of 10 transmissions per hour.

(c) *Shared access.* The provisions of this section shall not be used to extend the range of spectrum occupied over space or time for the purpose of denying fair access to spectrum for other MedRadio systems.

(d) *Frequency monitoring in the 413–419 MHz, 426–432 MHz, 438–444 MHz, and 451–457 MHz bands.* MedRadio programmer/control transmitters must incorporate a mechanism for monitoring the authorized bandwidth of the frequency band that the MedRadio transmitters intend to occupy. The monitoring system antenna shall be the same antenna used by the programmer/control transmitter for a communications session.

(1) The MedRadio programmer/control transmitter shall be capable of monitoring any occupied frequency band at least once every second and monitoring alternate frequency bands within two seconds prior to executing a change to an alternate frequency band.

(2) The MedRadio programmer/control transmitter shall move to another authorized frequency band within one second of detecting a persistent (*i.e.,* lasting more than 50 milliseconds) signal level greater than −60 dBm as received by a 0 dBi gain antenna in any 12.5 kHz bandwidth within the authorized bandwidth.

(3) The MedRadio programmer/control transmitter shall be capable of monitoring the authorized bandwidth of

the occupied frequency band to determine whether either direction of the communications link is becoming degraded to the extent that communications is likely to be lost for more than 45 milliseconds. Upon making such a determination the MedRadio programmer/control transmitter shall move to another authorized frequency band.

(e) *System shutdown.* MedRadio transmitters shall incorporate a programmable means to implement a system shutdown process in the event of communication failure, on command from the MedRadio programmer/control transmitter, or when no authorized alternate frequency band is available. The shutdown process shall commence within 45 milliseconds after loss of the communication link or receipt of the shutdown command from the MedRadio programmer/control transmitter. This requirement does not apply to MedRadio operations in the 401–406 MHz band.

(f) *Requirements for MBAN Networks.* A MedRadio programmer/control transmitter and its associated medical body-worn transmitters shall not commence operating in, and shall automatically cease operating in, the 2360–2390 MHz band if the programmer/control transmitter does not receive, in accordance with the protocols specified by the manufacturer, a control message permitting such operation. Medical body-worn transmitters shall cease operating in 2360–2390 MHz if they lose communication with their associated programmer/control transmitter. Additionally, a MedRadio programmer/control transmitter and its associated medical body-worn transmitters operating in the 2360–2390 MHz band shall comply with a control message that notifies the devices to limit transmissions to segments of the 2360–2390 MHz band or to cease operation in the band.

§ 95.2561 MedRadio transmitter certification.

(a) Except as provided § 95.2535, each MedRadio transmitter (a transmitter that operates or is intended to operate as a station in the MedRadio Service) must be certified in accordance with this subpart and part 2 of this chapter.

(b) A grant of equipment certification for the MedRadio Service will not be issued for any MedRadio transmitter type that fails to comply with all of the applicable rules in this subpart.

§ 95.2563 MedRadio frequency bands.

MedRadio transmitters operate in the 401–406 MHz, 413–419 MHz, 426–432 MHz, 438–444 MHz, 451–457 MHz, and 2360–2400 MHz bands. The FCC does not specify a channeling scheme for MedRadio systems.

(a) MedRadio transmitters associated with medical implant devices, which incorporate a frequency monitoring system as set forth in § 95.2559(a), may transmit on any frequency in the 401–406 MHz band.

(b) MedRadio transmitters associated with medical implant devices, which do not incorporate a frequency monitoring system as set forth in § 95.2559(a), may transmit on any frequency in the 401–402 MHz or 405–406 MHz bands, or on the frequency 403.65 MHz in the 402–405 MHz band.

(c) MedRadio transmitters associated with medical body-worn devices, regardless of whether a frequency monitoring system as set forth in § 95.2559(a) is employed, may transmit on any frequency in the 401–402 MHz or 405–406 MHz bands.

(d) MedRadio transmitters that are used externally to evaluate the efficacy of a more permanent medical implant device, regardless of whether a frequency monitoring system as set forth in § 95.2559(a) is employed, may operate on any frequency in the 402–405 MHz band, provided that:

(1) Such external body-worn operation is limited solely to evaluating with a patient the efficacy of a fully implanted permanent medical device that is intended to replace the temporary body-worn device;

(2) RF transmissions from the external device must cease following the patient evaluation period, which may not exceed 30 days, except where a health care practitioner determines that additional time is necessary due to unforeseen circumstances;

(3) The maximum output power of the temporary body-worn device must not exceed 200 nW EIRP; and

(4) The temporary body-worn device must comply fully with all other MedRadio rules applicable to medical implant device operation in the 402–405 MHz band.

(e) Only MedRadio transmitters that are part of a Medical Micropower Network (MMN) may operate in the 413–419 MHz, 426–432 MHz, 438–444 MHz, and 451–457 MHz bands. Each MedRadio transmitter that is part of an MMN must be capable of operating in each of the following bands: 413–419 MHz, 426–432 MHz, 438–444 MHz, and 451–457 MHz. All MedRadio transmitters that are part of a single MMN must operate in the same band.

(f) Only MedRadio transmitters that are part of a Medical Body Area Network (MBAN) may operate in the 2360–2400 MHz band.

§ 95.2565 MedRadio frequency accuracy.

Each MedRadio transmitter type must be designed to maintain a frequency stability of ±100 ppm of the operating frequency over the applicable temperature range set forth in this section. Frequency stability testing shall be performed over the appropriate temperature range.

(a) 25 °C to 45 °C in the case of medical implant transmitters; and

(b) 0 °C to 55 °C in the case of MedRadio programmer/control transmitters and medical body-worn transmitters.

§ 95.2567 MedRadio radiated power limits.

Each MedRadio transmitter type must be designed such that the MedRadio equivalent isotropically radiated power (M–EIRP) does not exceed the limits in this section. Compliance with these limits must be determined as set forth in § 95.2569.

(a) *Transmitters subject to frequency monitoring—401–406 MHz.* For MedRadio transmitters that are not excepted under § 95.2559(b) from the frequency monitoring requirements of § 95.2559(a):

(1) The M–EIRP within any 300 kHz bandwidth within the 402–405 MHz band must not exceed 25 microwatts.

(2) The M–EIRP within any 100 kHz bandwidth within the 401–402 MHz or 405–406 MHz bands must not exceed 25 microwatts.

(b) *Transmitters excepted from frequency monitoring—401–402 MHz and 405–406 MHz.* For MedRadio transmitters that are excepted under § 95.2559(b)(2) or (3) from the frequency monitoring requirements of § 95.2559(a):

(1) The M–EIRP of any transmitter operating in the 401–401.85 MHz or 405–406 MHz bands must not exceed 250 nanowatts in any 100 kHz bandwidth.

(2) The M–EIRP of any transmitter operating in the 401.85–402 MHz band must not exceed 25 microwatts in any 150 kHz bandwidth.

(c) *Transmitters excepted from frequency monitoring—403.65 MHz.* For MedRadio transmitters that are excepted under § 95.2559(b)(4) from the frequency monitoring requirements of § 95.2559(a), the M–EIRP must not exceed 100 nanowatts in the 300 kHz bandwidth centered at 403.65 MHz.

(d) *Transmitters—other frequency bands.* For MedRadio transmitters operating in the 413–419 MHz, 426–432 MHz, 438–444 MHz, or 451–457 MHz bands:

(1) The peak M–EIRP over the frequency bands of operation must not

exceed the lesser of zero dBm (1 mW) or 10 log (B) − 7.782 dBm, where B is the MedRadio 20 dB emission bandwidth in megahertz.

(2) The peak power spectral density must not exceed 800 microwatts per megahertz in any one megahertz band.

(e) *Transmitters—2360–2390 MHz band.* For MedRadio transmitters operating in the 2360–2390 MHz band, the M–EIRP over the bands of operation must not exceed the lesser of zero dBm (1 mW) or 10 log (B) dBm, where B is the MedRadio 20 dB emission bandwidth in megahertz.

(f) *Transmitters—2390–2400 MHz band.* For MedRadio transmitters operating in the 2390–2400 MHz band, the M–EIRP over the bands of operation must not exceed the lesser of 13 dBm (20 mW) or 16 + 10 log (B) dBm, where B is the MedRadio 20 dB emission bandwidth in megahertz.

§ 95.2569 MedRadio field strength measurements.

Compliance with MedRadio equivalent isotropic radiated power (M–EIRP) limits can be determined by measuring the radiated field strength from the transmitter type, in accordance with the rules in this section.

(a) Radiated field strength values corresponding to the M–EIRP limits in § 95.2567 are given in the table in this paragraph, for an open area test site, and for a test site equivalent to free space, such as a fully anechoic test chamber. Field strength is measured at a distance of 3 meters from the equipment under test.

M–EIRP limit	Open area (mV/m)	Free space (mV/m)
1 mW	115.1	57.55
25 μW	18.2	9.1
250 nW	1.8	0.9
100 nW	1.2	0.6

(b) Compliance with the maximum transmitter power requirements in § 95.2567 is based on measurements using a peak detector function and measured over an interval of time when transmission is continuous and at its maximum power level. In lieu of using a peak detector function, measurement procedures that have been found to be acceptable to the FCC in accordance with § 2.947 of this chapter may be used to demonstrate compliance.

(c) For a MedRadio transmitter intended to be implanted in a human body, radiated emissions and M–EIRP measurements for transmissions by stations authorized under this section may be made in accordance with an FCC-approved human body simulator and test technique. Guidance regarding SAR measurement techniques dielectric parameters for the tissue-equivalent material can be found in the Office of Engineering and Technology (OET) Laboratory Division Knowledge Database (KDB).

§ 95.2571 MedRadio emission types.

A MedRadio station may transmit any emission type appropriate for communications in this service. Voice communications, however, are prohibited.

§ 95.2573 MedRadio authorized bandwidths.

Each MedRadio transmitter type must be designed such that the MedRadio emission bandwidth does not exceed the applicable authorized bandwidth set forth in this section.

(a) For MedRadio transmitters operating in the 402–405 MHz band, the maximum authorized bandwidth is 300 kHz. Such transmitters must not use more than 300 kHz of bandwidth (total) during a MedRadio communications session. This provision does not preclude full duplex or half duplex communications provided that the total bandwidth of all of the channels employed in a MedRadio communications session does not exceed 300 kHz.

(b) For MedRadio transmitters operating in the 401–401.85 MHz band or the 405–406 MHz band, the maximum authorized bandwidth is 100 kHz. Such transmitters must not use more than 100 kHz of bandwidth (total) during a MedRadio communications session. This provision does not preclude full duplex or half duplex communications provided that the total bandwidth of all of the channels employed in a MedRadio communications session does not exceed 100 kHz.

(c) For MedRadio transmitters operating in the 401.85–402 MHz band, the maximum authorized bandwidth is 150 kHz. Such transmitters must not use more than 150 kHz of bandwidth (total) during a MedRadio communications session. This provision does not preclude full duplex or half duplex communications, provided that the total bandwidth of all of the channels employed in a MedRadio communications session does not exceed 150 kHz.

(d) For MedRadio transmitters operating in the 413–419 MHz, 426–432 MHz, 438–444 MHz or 451–457 MHz bands, the maximum 20 dB authorized bandwidth is 6 MHz.

(e) For MedRadio transmitters operating in the 2360–2400 MHz band, the maximum authorized bandwidth is 5 MHz.

(f) Lesser emission bandwidths may be employed, provided that the unwanted emissions are attenuated as provided in § 95.2579. See also § 95.2567 regarding maximum radiated power limits, § 95.2565 on frequency accuracy, § 95.2569 on field strength measurements, and § 95.2585 on RF exposure.

§ 95.2575–95.2577 [Reserved]

§ 95.2579 MedRadio unwanted emissions limits.

Unwanted emission field strength limits and attenuation requirements apply to each MedRadio transmitter type, as set forth in this section and part 2.

(a) *Field strength limits.* The field strengths of unwanted emissions from each MedRadio transmitter type, measured at a distance of 3 meters, must not exceed the field strength limits shown in the table in this paragraph for the indicated frequency ranges, if the frequencies of these emissions are:

(1) More than 250 kHz outside of the 402–405 MHz band (for devices designed to operate in the 402–405 MHz band);

(2) More than 100 kHz outside of either the 401–402 MHz or 405–406 MHz bands (for devices designed to operate in the 401–402 MHz or 405–406 MHz bands);

(3) In the 406.000–406.100 MHz band (for devices designed to operate in the 401–402 MHz or 405–406 MHz bands); or

(4) More than 2.5 MHz outside of the 413–419 MHz, 426–432 MHz, 438–444 MHz or 451–457 MHz bands (for devices designed to operate in these four bands).

(5) More than 2.5 MHz outside of the 2360–2400 MHz band (for devices designed to operate in the 2360–2400 MHz band).

Frequency range (MHz)	Field strength (μV/m)
30–88	100
88–216	150
216–960	200
960 and above	500

Note to table in paragraph (a)(5): At the boundaries between frequency ranges, the tighter limit (lower field strength) applies. Below 1 GHz, field strength is measured using a CISPR quasi-peak detector. Above 1 GHz, field strength is measured using an average detector with a minimum reference bandwidth of 1 MHz. *See also* part 2, subpart J of this chapter.

(b) *Harmonic emissions.* Radiated unwanted emissions from a MedRadio transmitter type must be measured to at least the tenth harmonic of the highest fundamental frequency emitted.

(c) *Attenuation requirements, 402–405 MHz.* For MedRadio transmitter types designed to operate in the 402–405 MHz band, unwanted emissions must be attenuated below the maximum permitted transmitter output power by at least:

(1) 20 dB, on any frequency within the 402–405 MHz band that is more than 150 kHz away from the center frequency of the occupied bandwidth;

(2) 20 dB, on any frequency between 401.750 MHz and 402.000 MHz, and on any frequency between 405 MHz and 405.250 MHz.

(d) *Attenuation requirements, 401–402 MHz, 405–406 MHz.* For MedRadio transmitter types designed to operate in the 401–402 MHz band or 405–406 MHz band, the power of unwanted emissions must be attenuated below the transmitter output power by at least:

(1) 20 dB, on any frequency within the 401–401.85 MHz or 405–406 MHz bands that is:

(i) More than 75 kHz away from the center frequency of the occupied bandwidth if the MedRadio transmitter type is operating on a frequency between 401.85 and 402 MHz; or,

(ii) More than 50 kHz away from the center frequency of the occupied bandwidth and 100 kHz or less below 401 MHz or above 406 MHz.

(2) 20 dB, on any frequency between 400.900 MHz and 401.000 MHz, and on any frequency between 406.000 MHz and 406.100 MHz.

(e) *Attenuation requirements, 413–419 MHz, 426–432 MHz, 438–444 MHz, and 451–457 MHz.* For MedRadio transmitter types designed to operate in the 413–419 MHz, 426–432 MHz, 438–444 MHz and 451–457 MHz bands: In the first 2.5 megahertz above or below any of the frequency bands authorized for Medical Micropower Network operation, the EIRP of any unwanted emission must be attenuated within a 1 megahertz bandwidth by at least 20 dB relative to the maximum EIRP within any 1 megahertz bandwidth of the fundamental emission.

(f) *Attenuation requirements, 2360–2400 MHz.* For MedRadio transmitter types designed to operate in the 2360–2400 MHz band: In the first 2.5 megahertz above or below any of the frequency bands authorized for MBAN operation, the EIRP of any unwanted emission must be attenuated within a 1 megahertz bandwidth by at least 20 dB relative to the maximum EIRP within any 1 megahertz bandwidth of the fundamental emission.

(g) *Measurements.* Compliance with the limits in paragraphs (c), (d), and (e) of this section is based on the use of measurement instrumentation using a peak detector function with an instrument reference bandwidth approximately equal to 1.0 percent of the emission bandwidth of the device under measurement.

§ 95.2581–95.22583 [Reserved]

§ 95.2585 MedRadio RF exposure evaluation.

A MedRadio medical implant device or medical body-worn transmitter is subject to the radiofrequency radiation exposure requirements specified in §§ 1.1307(b) and 2.1093 of this chapter, as appropriate. Applications for equipment authorization of devices operating under this section must demonstrate compliance with these requirements using either finite difference time domain (FDTD) computational modeling or laboratory measurement techniques. Where a showing is based on computational modeling, the Commission retains the discretion to request that supporting documentation and/or specific absorption rate (SAR) measurement data be submitted.

§ 95.2587 MedRadio additional requirements.

(a) The antenna associated with any MedRadio transmitter must be supplied with the transmitter and is considered part of the transmitter subject to equipment authorization.

(b) MedRadio transmitters shall be tested for frequency stability, radiated emissions and EIRP limit compliance in accordance with applicable rules.

§ 95.2589 [Reserved]

§ 95.2591 MedRadio marketing limitations.

Transmitters intended for operation in the MedRadio Service may be marketed and sold only for the use in accordance with § 95.2531.

§ 95.2593 MedRadio labeling requirements.

MedRadio transmitters must be labeled in accordance with the requirements in this section.

(a) MedRadio programmer/control transmitters operating in the 401–406 MHz band shall be labeled as provided in part 2 of this chapter and shall bear the following statement in a conspicuous location on the device:

This device may not interfere with stations operating in the 400.150–406.000 MHz band in the Meteorological Aids, Meteorological Satellite, and Earth Exploration Satellite Services and must accept any interference received, including interference that may cause undesired operation.

(b) MedRadio programmer/control transmitters operating in the 413–419 MHz, 426–432 MHz, 438–444 MHz, and 451–457 MHz bands shall be labeled as provided in part 2 of this chapter and shall bear the following statement in a conspicuous location on the device:

This device may not interfere with stations authorized to operate on a primary basis in the 413–419 MHz, 426–432 MHz, 438–444 MHz, and 451–457 MHz bands, and must accept any interference received, including interference that may cause undesired operation.

(c) MedRadio programmer/control transmitters operating in the 2360–2400 MHz band shall be labeled as provided in part 2 of this chapter and shall bear the following statement in a conspicuous location on the device:

This device may not interfere with stations authorized to operate on a primary basis in the 2360–2400 MHz band, and must accept any interference received, including interference that may cause undesired operation.

(d) If it is not feasible to place the statement specified by paragraph (a), (b), or (c) of this section on the device, it may be placed in the instruction manual for the transmitter instead.

(e) If a MedRadio programmer/control transmitter is constructed in two or more sections connected by wire and marketed together, the statement specified in this section is required to be affixed only to the main control unit.

(f) MedRadio transmitters shall be identified with a serial number on each device, except as noted in paragraphs (f)(1) and (2) of this section.

(1) For MedRadio transmitters that operate in the 2360–2400 MHz band, only the programmer/control transmitter shall be identified with a serial number.

(2) The FCC ID number associated with a medical implant transmitter and the information required by § 2.925 of this chapter may be placed in the instruction manual for the transmitter and on the shipping container for the transmitter, in lieu of being placed directly on the transmitter.

§ 95.2595 MedRadio disclosures.

Manufacturers of MedRadio transmitters must include with each transmitting device the statement set forth in this section that applies to the frequency bands in use.

(a) For MedRadio transmitters operating in the 401–406 MHz band, the following statement applies:

This transmitter is authorized by rule under the Medical Device

Radiocommunication Service (in part 95 of the FCC Rules) and must not cause harmful interference to stations operating in the 400.150–406.000 MHz band in the Meteorological Aids (*i.e.,* transmitters and receivers used to communicate weather data), the Meteorological Satellite, or the Earth Exploration Satellite Services and must accept interference that may be caused by such stations, including interference that may cause undesired operation. This transmitter shall be used only in accordance with the FCC Rules governing the Medical Device Radiocommunication Service. Analog and digital voice communications are prohibited. Although this transmitter has been approved by the Federal Communications Commission, there is no guarantee that it will not receive interference or that any particular transmission from this transmitter will be free from interference.

(b) For MedRadio transmitters operating in the 413–419 MHz, 426–432 MHz, 438–444 MHz and 451–457 MHz bands, the following statement applies:

This transmitter is authorized by rule under the MedRadio Service (47 CFR part 95). This transmitter must not cause harmful interference to stations authorized to operate on a primary basis in the 413–419 MHz, 426–432 MHz, 438–444 MHz, and 451–457 MHz bands, and must accept interference that may be caused by such stations, including interference that may cause undesired operation. This transmitter shall be used only in accordance with the FCC Rules governing the MedRadio Service. Analog and digital voice communications are prohibited. Although this transmitter has been approved by the Federal Communications Commission, there is no guarantee that it will not receive interference or that any particular transmission from this transmitter will be free from interference.

(c) For MedRadio transmitters operating in the 2360–2400 MHz band, the following statement applies:

This transmitter is authorized by rule under the MedRadio Service (47 CFR part 95). This transmitter must not cause harmful interference to stations authorized to operate on a primary basis in the 2360–2400 MHz band, and must accept interference that may be caused by such stations, including interference that may cause undesired operation. This transmitter shall be used only in accordance with the FCC Rules governing the MedRadio Service. Analog and digital voice communications are prohibited. Although this transmitter has been approved by the Federal Communications Commission, there is no guarantee that it will not receive interference or that any particular transmission from this transmitter will be free from interference.

§ 95.2597–95.2699 [Reserved]

Subpart J—Multi–Use Radio Service

§ 95.2701 Scope.

This subpart contains rules that apply only to the Multi-Use Radio Service (MURS).

§ 95.2703 Definitions, MURS.

MURS. A two-way, short distance voice or data communication service for facilitating personal or business activities of the general public.

§ 95.2705 Grandfathered MURS stations.

MURS stations that were licensed under part 90 of this chapter to operate on MURS frequencies as of November 13, 2000, are authorized by this rule to continue to operate under terms identical to those of such nullified part 90 authorizations, including any associated rule waivers.

§ 95.2707 Airborne use of MURS not authorized.

Notwithstanding the provisions of § 95.307, MURS operation is not authorized aboard aircraft in flight.

§ 95.2709–95.2717 [Reserved]

§ 95.2719 MURS replacement parts.

The operator of an MURS transmitter may replace parts of an MURS transmitter as indicated in this section. All other internal maintenance and repairs must be carried out in accordance with § 95.319.

(a) A damaged antenna may be replaced by another antenna of the same or a compatible similar type.

(b) Batteries in the MURS transmitter may be replaced with batteries of a type specified by the manufacturer.

§ 95.2721–95.2723 [Reserved]

§ 95.2725 MURS interference.

MURS station operators must take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress before transmitting, and other measures as may be necessary to minimize the potential for causing interference.

§ 95.2727–95.2729 [Reserved]

§ 95.2731 Permissible MURS uses.

The operator of a MURS station may use it for the purposes listed in this section.

(a) MURS stations may be used to transmit voice, data or image signals.

(b) MURS stations may be used for telecommand and telemetry functions.

§ 95.2733 Prohibited MURS uses.

MURS stations must not be operated as repeater stations or signal boosters. This prohibition includes store-and-forward packet operation.

§ 95.2735–95.2739 [Reserved]

§ 95.2741 MURS antenna height limit.

The highest point of any MURS station antenna must not be more than 18.3 meters (60 feet) above the ground or 6.10 meters (20 feet) above the highest point of the structure on which it is mounted. MURS station antennas must also meet the requirements in § 95.317 regarding menaces to air navigation. *See* 47 CFR 95.317 and consult part 17 of the FCC's Rules for more information (47 CFR part 17).

§ 95.2743–95.2747 [Reserved]

§ 95.2749 MURS network connection.

MURS stations are prohibited from interconnection with the public switched network. *Interconnection Defined.* Connection through automatic or manual means of multi-use radio stations with the facilities of the public switched telephone network to permit the transmission of messages or signals between points in the wireline or radio network of a public telephone company and persons served by multi-use radio stations. Wireline or radio circuits or links furnished by common carriers, which are used by licensees or other authorized persons for transmitter control (including dial-up transmitter control circuits) or as an integral part of an authorized, private, internal system of communication or as an integral part of dispatch point circuits in a multi-use radio station are not considered to be interconnection for purposes of this rule part.

§ 95.2751–95.2755 [Reserved]

§ 95.2757 MURS duration of transmissions.

MURS stations may not be operated in the continuous carrier transmit mode.

§ 95.2759 [Reserved]

§ 95.2761 MURS transmitter certification.

(a) Each MURS transmitter (a transmitter that operates or is intended to operate in MURS) must be certified in accordance with this subpart and part 2 of this chapter.

(b) A grant of equipment certification will not be issued for any MURS transmitter type that fails to comply with all of the applicable rules in this subpart.

(c) A grant of equipment certification will not be issued for MURS transmitters capable of operating under both this subpart (MURS) and under any other subparts of this chapter (except part 15).

§ 95.2763 MURS channels.

Five VHF channels are allotted for shared use in the MURS. These channels, designated by their center frequencies in megahertz, are as follows: 151.820, 151.880, 151.940, 154.570, and 154.600 MHz. Each MURS transmitter

type must be designed to transmit on one or more of these channels.

§ 95.2765 MURS frequency accuracy.

Each MURS transmitter type must be designed to meet the applicable frequency tolerance and stability requirements of this section.

(a) MURS transmitters that operate with an emission bandwidth of 6.25 kHz or less must be designed such that the carrier frequencies remain within ±2.0 parts-per-million (ppm) of the channel center frequencies specified in § 95.2763 during normal operating conditions.

(b) MURS transmitters that operate with an emission bandwidth greater than 6.25 kHz must be designed such that the carrier frequencies remain within ±5.0 ppm of the channel center frequencies specified in § 95.2763 during normal operating conditions.

§ 95.2767 MURS transmitting power limit.

Each MURS transmitter type must be designed such that the transmitter power output does not exceed 2 Watts under normal operating conditions.

§ 95.2769 [Reserved]

§ 95.2771 MURS emission types.

A MURS transmitter must transmit only emission types A1D, A2B, A2D, A3E, F2B, F1D, F2D, F3E, and G3E. Emission types A3E, F3E and G3E may include selective calling or tone-operated squelch tones to establish or continue voice communications. MURS transmitters are prohibited from transmitting in the continuous carrier mode.

§ 95.2773 MURS authorized bandwidths.

Each MURS transmitter type must be designed to meet the emission bandwidth limitations in this section.

(a) The occupied bandwidth of emissions transmitted on the center frequencies 151.820 MHz, 151.880 MHz, and 151.940 MHz must not exceed 11.25 kHz.

(b) The occupied bandwidth of emissions transmitted on the center frequencies 154.570 MHz and 154.600 MHz must not exceed 20.0 kHz.

(c) The occupied bandwidth of type A3E emissions must not exceed 8.0 kHz.

§ 95.2775 MURS audio filter.

The audio filter referenced in § 95.2779 must satisfy the requirements in this section.

(a) The audio filter must be between the modulation limiter and the modulated stage of the transmitter.

(b) At any frequency (f in kHz) between 3 and 15 kHz, the filter must have an attenuation of at least 40 log (f/3) dB more than the attenuation at 1 kHz. Above 15 kHz, it must have an attenuation of at least 28 dB more than the attenuation at 1 kHz.

§ 95.2777 [Reserved]

§ 95.2779 MURS unwanted emissions limits.

The requirements in this section apply to each MURS transmitter type both with and without the connection of attachments, such as an external microphone, power cord and/or antenna.

(a) *Emission masks.* Emission masks applicable to transmitting equipment in the MURS are defined by the requirements in the following table. The numbers in the paragraphs column refer to attenuation requirement rule paragraph numbers under paragraph (b) of this section. The words ''audio filter'' refer to the audio filter described in § 95.2775.

Channel center frequencies (MHz)	Paragraphs
151.820, 151.880 and 151.940	(1), (2).
154.570 & 154.600, with audio filter.	(3), (4), (7).
154.570 & 154.600, without audio filter.	(5), (6), (7).

(1) Each MURS transmitter type that transmits F3E or G3E emissions on 154.570 MHz or 154.600 MHz and incorporates an audio filter satisfying the requirements of § 95.2775 in its design may comply with the less stringent unwanted emissions attenuation requirements set forth in paragraphs (b)(3), (4), and (7) of this section.

(2) Each MURS transmitter type that transmits on 154.570 MHz or 154.600 MHz, but does not incorporate an audio filter satisfying the requirements of § 95.2775 in its design, must comply with the unwanted emissions attenuation requirements set forth in paragraphs (b)(5) through (7) of this section.

(b) *Attenuation requirements.* The power of unwanted emissions must be attenuated below the transmitter output power in Watts (P) by at least:

(1) $7.27(f_d - 2.88$ kHz) dB on any frequency removed from the channel center frequency by a displacement frequency (f_d in kHz) that is more than 5.625 kHz, but not more than 12.5 kHz.

(2) 50 + 10 log (P) dB or 70 dB, whichever is the lesser attenuation, on any frequency removed from the channel center frequency by more than 12.5 kHz.

(3) 25 dB on any frequency removed from the channel center frequency by more than 10 kHz, but not more than 20 kHz.

(4) 35 dB on any frequency removed from the channel center frequency by more than 20 kHz, but not more than 50 kHz.

(5) 83 log ($f_d \div 5$) dB on any frequency removed from the center of the authorized bandwidth by a displacement frequency (f_d in kHz) that is more than 5 kHz, but not more than 10 kHz.

(6) 29 log ($f_d^2 \div 11$) dB or 50 dB, whichever is the lesser attenuation on any frequency removed from the channel center frequency by a displacement frequency (f_d in kHz) that is more than 10 kHz, but not more than 50 kHz.

(7) 43 + 10 log(P) dB on any frequency removed from the channel center frequency by more than 50 kHz.

(c) *Measurement bandwidths.* The power of unwanted emissions in the frequency bands specified in paragraphs (b)(1) and (3) through (6) of this section is measured with a reference bandwidth of 300 Hz. The power of unwanted emissions in the frequency ranges specified in paragraphs (b)(2) and (7) of this section is measured with a reference bandwidth of at least 30 kHz.

§ 95.2781–95.2899 [Reserved]

Subpart K—Personal Locator Beacons and Maritime Survivor Locating Devices

§ 95.2901 Scope.

This subpart contains rules that apply only to Personal Locator Beacons (PLBs) and Maritime Survivor Locating Devices (MSLDs).

§ 95.2903 Definitions, PLBs and MSLDs.

Identification code. An identification code issued by the National Oceanic and Atmospheric Administration (NOAA) to establish a unique identification for each PLB.

National Oceanic and Atmospheric Administration (NOAA). The U.S. Government Agency that is the United States Program Manager for the 406 MHz COSPAS/SARSAT satellite system.

Maritime Survivor Locating Device (MSLD). A device intended to aid in the location of persons in the water.

Personal Locator Beacon (PLB). A small portable transmitter, compliant with all of the rules in this subpart, that is intended to provide individuals in remote areas a means to alert others of an emergency situation and to aid search and rescue personnel to locate those in distress.

§ 95.2905 PLB registration.

Each PLB owner must initially register their PLB with National Oceanic and Atmospheric Administration

(NOAA) and must advise NOAA of any subsequent change of ownership or other change in the registration information. Each PLB is registered by its identification code (*see* § 95.2987(b)).

(a) PLB owners are encouraged to register their PLBs through the internet using the following Web site: *http://www.beaconregistration.noaa.gov*

(b) PLB owners may also register their PLBs by mailing a completed registration card to the following address: NOAA SARSAT Beacon Registration, NSOF, E/SPO53, 1315 East West Hwy., Silver Spring, MD 20910–9684.

§ 95.2907–95.2929 [Reserved]

§ 95.2931 Permissible use of PLBs and MSLDs.

(a) PLBs may be used only for transmission of distress and safety of life communications.

(b) MSLDs may be used only to aid in the location of persons in the water.

§ 95.2933 Prohibited use of PLBs and MSLDs.

(a) PLBs must not be used for any purpose other than transmission of distress and safety of life communications.

(b) Use of MSLDs on land is not authorized.

§ 95.2935–95.2959 [Reserved]

§ 95.2961 PLB and MSLD transmitter certification.

(a) Each PLB and MSLD transmitter must be certified in accordance with this subpart and part 2 of this chapter.

(b) A grant of equipment certification will not be issued for any PLB or MSLD transmitter type that fails to comply with all of the applicable rules in this subpart.

§ 95.2963 PLB and MSLD frequency bands.

(a) The frequency band 406.0–406.1 MHz is an emergency and distress frequency band available for use by Personal Locator Beacons (PLBs). Use of these frequencies must be limited to transmission of distress and safety of life communications.

(b) MSLDs must:

(1) Transmit on at least one of the following frequencies: 121.5 MHz, 156.525 MHz, 156.750 MHz, 156.800 MHz, 156.850 MHz, 161.975 MHz, or 162.025 MHz; or

(2) Include a function intended to send a distress message directly to the U.S. Coast Guard or any other search and rescue organization.

§ 95.2965–95.2969 [Reserved]

§ 95.2971 PLB emission type.

PLB transmitter types must be designed to use emission type G1D on the frequency band 406.0–406.1 MHz.

§ 95.2973–95.2985 [Reserved]

§ 95.2987 Additional PLB and MSLD certification requirements.

(a) To be certified for use under this subpart, 406 MHz PLB transmitter types must be designed to satisfy the following additional requirements.

(1) *Certifications.* Beginning January 17, 2018, before submitting an application for FCC certification of a 406 MHz PLB transmitter type, the applicant must obtain:

(i) Certification from a test facility recognized by one of the COSPAS/SARSAT Partners that the PLB transmitter type satisfies the standards in RTCM 11010; and,

(ii) Certification from an independent test facility that the PLB transmitter type complies with the electrical and environmental standards associated with RTCM 11010.

(2) *Identification code.* An identification code, recognized by the National Oceanic and Atmospheric Administration (NOAA), the United States Program Manager for the 406 MHz COSPAS/SARSAT satellite system, must be programmed into each PLB to establish a unique identification for that PLB.

(b) To be certified for use under this subpart, MSLD transmitter types must be designed to satisfy the following additional requirements.

(1) A test report from a test laboratory which shows that the MSLD complies with the electrical and environmental standards associated with RTCM 11901. The test laboratory must be accredited to ISO–IEC 17025 with a scope covering the applicable requirements and test procedures.

(2) After the MSLD has been certified by a test laboratory, the following information must be submitted in duplicate to the U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., Stop 7126, Washington, DC 20593–7126:

(i) The name of the manufacturer or grantee and model number of the MSLD;

(ii) Copies of the test report and test data showing that the MSLD complies with the electrical and environmental standards associated with RTCM 11901; and

(iii) Instruction manuals associated with the MSLD, description of the test characteristics of the MSLD including assembly drawings, electrical schematics, description of parts list, specifications of materials and the manufacturer's quality assurance program.

(3) After reviewing the information described in paragraph (b)(2) of this section, the U.S. Coast Guard will issue a letter stating whether the MSLD satisfies all RTCM Recommended Standards. In the case of an MSLD that includes a function intended to send a distress message directly to the U.S. Coast Guard or any other search and rescue organization, the letter will also state whether the U.S. Coast Guard endorses that function.

(4) A certification application for an MSLD must contain a copy of the U.S. Coast Guard letter stating that the device satisfies all RTCM Recommended Standards, a copy of the technical test data, and the instruction manual(s).

§ 95.2989 PLB and MSLD technical standards.

(a) PLB transmitter types must be designed to comply with technical standard RTCM 1010.2. MSLD transmitter types must be designed to comply with technical standard RTCM 11901.1.

(b) The standards required in this section are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at FCC headquarters at 445 12th Street SW., Washington, DC 20554, and is available from the sources indicated in this paragraph (b). It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

(1) The following standards are available from the Radio Technical Commission for Maritime Services, 1611 N. Kent St., Suite 605, Arlington, Virginia 22209–2128.

(i) RTCM 11010.2, ''406 MHz Satellite Personal Locator Beacons (PLBs),'' including Amendments 1 and 2, dated June 8, 2012 (RTCM 11010).

(ii) RTCM 11901.1, ''Maritime Survivor Locating Devices (MSLD),'' dated June 4, 2012.

(2) [Reserved].

§ 95.2991 PLB and MSLD marketing limitations.

(a) No device may be marketed or sold in the United States as a ''PLB'' or ''Personal Locator Beacon'' unless it is compliant with all of the rules in this subpart. Previously approved PLBs that do not meet the requirements of RTCM

11010 shall not be manufactured, imported, or sold in the United States beginning January 17, 2020.

(b) No device may be marketed or sold in the United States as a ''MSLD'' or ''Maritime Survivor Locating Device'' unless it complies with the requirements of RTCM 11901. Previously approved devices intended to aid in the location of persons in the water that do not meet the requirements of this subpart shall not be manufactured, imported, or sold in the United States beginning January 17, 2018.

§ 95.2993 PLB identification plate or label and registration card.

To enhance protection of life and property, it is mandatory that each 406 MHz PLB be registered with NOAA and that information be kept up-to-date.

(a) *Identification plate or label.* In addition to the identification plate or label requirements contained in §§ 2.925 and 2.926 of this chapter, each 406 MHz PLB must be provided on the outside with a clearly discernable permanent plate or label.

(1) The plate or label must contain the following statement:

The owner of this 406 MHz PLB must register the identification code on this label with the National Oceanic and Atmospheric Administration (NOAA) whose address is: NOAA/SARSAT Beacon Registration, NSOF, E/SPO53, 1315 East West Hwy., Silver Spring, MD 20910–9684.

(2) For PLBs with identification codes that can be changed after manufacture, the identification code shown on the plate or label must be easily replaceable using commonly available tools.

(b) *Registration card.* With each marketable PLB unit, the manufacturer or equipment certification grantee must include a postage pre-paid registration card.

(1) The identification code of the PLB (*see* § 95.2987(c)) must be printed on the registration card.

(2) The registration card must be addressed to: NOAA SARSAT Beacon Registration, NSOF, E/SPO53, 1315 East West Hwy., Silver Spring, MD 20910–9684.

(3) The registration card must request the owner's name, address, telephone number and alternate emergency contact.

(4) The registration card must include the following statement:

WARNING—failure to register this PLB with NOAA could result in a monetary forfeiture order being issued to the owner.

§ 95.2995–95.3099 [Reserved]

Subpart L—DSRCS On-Board Units

§ 95.3101 Scope.

This subpart contains rules that apply only to On-Board Units (OBUs) transmitting in the 5850–5925 MHz frequency band in the Dedicated Short-Range Communications Services (DSRCS) (*see* § 90.371 of this chapter).

§ 95.3103 Definitions, OBUs.

Dedicated Short-range Communications Services (DSRCS). A service providing for data transfer between various mobile and roadside transmitting units for the purposes of improving traffic flow, highway safety and performing other intelligent transportation functions. *See* § 90.7 of this chapter for a more detailed definition.

On-Board Unit (OBU). OBUs are low-power devices on vehicles that transfer data to roadside units in the Dedicated Short-Range Communications Service (*see* §§ 90.371–90.383 of this chapter), to improve traffic flow and safety, and for other intelligent transportation system purposes. *See* § 90.7 of this chapter.

Roadside Unit (RSU). See § 90.7 of this chapter.

§ 95.3105–95.3129 [Reserved]

§ 95.3131 Permissible uses, OBUs.

On-Board Units (OBUs) may transmit signals to other OBUs and to Roadside Units (RSUs), which are authorized under part 90 of this chapter.

§ 95.3133–95.3157 [Reserved]

§ 95.3159 OBU channel sharing and priority of use.

In general, the provisions of §§ 95.359, 95.325, and 95.327 apply to OBU operation, subject to the rules in this section governing access priority.

(a) *Priority communications.* OBU communications described in this paragraph are priority communications.

(1) OBU communications involving the safety of life have access priority over all other OBU communications.

(2) Subject to a Control Channel priority system management strategy (*see* ASTM E2213–03 DSRC Standard at § 4.1.1.2(4)), OBU communications involving public safety have access priority over all other OBU communications except those involving safety of life. OBUs operated by state or local governmental entities are presumed to be engaged in public safety (priority) communications.

(b) *Non-priority communications.* All OBU communications other than those described in paragraph (a) are non-priority communications. Disputes concerning non-priority OBU communications associated with Roadside Units (RSUs) are governed by the provisions of § 90.377(e) and (f) of this chapter. Disputes concerning non-priority OBU communications not associated with RSUs are governed by §§ 95.325, 95.327, and 95.359.

§ 95.3161 OBU transmitter certification.

(a) Each Dedicated Short Range Communications On-Board Unit IDSRCS–OBU) that operates or is intended to operate in the DSRCS must be certified in accordance with this subpart and subpart J of part 2 of this chapter.

(b) A grant of equipment certification for this subpart will not be issued for any OBU transmitter type that fails to comply with all of the applicable rules in this subpart.

§ 95.3163 OBU channels.

The following table lists the channels allotted for use by On-Board Units (OBUs):

Channel No.	Channel use	Frequency range (MHz)
170	Reserved	5850–5855
172	Service	5855–5865
174	Service	5865–5875
175	Service	5865–5885
176	Service	5875–5885
178	Control	5885–5895
180	Service	5895–5905
181	Service	5895–5915
182	Service	5905–5915
184	Service	5915–5925

(a) Channels 174 and 176 may be combined to create a 20 MHz bandwidth channel designated as Channel 175.

(b) Channels 180 and 182 may be combined to create a 20 MHz bandwidth channel designated as Channel 181.

(c) Channels 172 and 184 are designated for public safety applications involving safety of life and property.

§ 95.3165 [Reserved]

§ 95.3167 OBU transmit power limit.

The maximum output power for portable On-Board Unit transmitter types is 1.0 mW. For purposes of this paragraph, a portable is a transmitting device designed to be used so that the radiating structure(s) of the device is/are within 20 centimeters of the body of the user.

§ 95.3169–95.3187 [Reserved]

§ 95.3189 OBU technical standard.

On-Board Unit transmitter types operating in the 5850–5925 MHz band must be designed to comply with the technical standard ASTM E2213–03,

Standard Specification for Telecommunications and Information Exchange Between Roadside and Vehicle Systems—5 GHz Band Dedicated Short-range Communications (DSRC) Medium Access Control (MAC) and Physical Layer (PHY) Specifications published 2003 (ASTM E2213–03). ASTM E2213–03 is incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, the Federal Communications Commission must publish a document in the **Federal Register** and the material must be available to the public. The material is available for inspection at the Federal Communications Commission, 445 12th Street SW., Washington, DC 20554 and may be obtained from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959.: *http://www.astm.org*. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html*.

Appendix A to Part 95—Cross Reference to Previous Rules

This table in this appendix to part 95 shows the current subpart or section number(s) (or ''removed'' if the section was eliminated) of the CFR unit containing the corresponding subject material, for each of the part 95 subparts, rules and appendices that, in general, were in effect prior to September 28, 2017.

Previous CFR unit	Current CFR unit
Subpart A—General Mobile Radio Service (GMRS)	Part 95, Subpart E.
95.1 The General Mobile Radio Service (GMRS)	95.1703.
95.3 License required	95.1705.
95.5 Licensee eligibility	95.1705.
95.7 Channel sharing	95.325, 95.327, 95.359.
95.21 GMRS system description	Removed.
95.23 Mobile station description	Removed.
95.25 Land station description	Removed.
95.27 Paging receiver description	Removed.
95.29 Channels available	95.1763.
95.33 Cooperative use of radio stations in the GMRS	95.1705(f).
95.45 Considerations on Department of Defense land and in other circumstances	95.309.
95.51 Antenna height	95.317.
95.101 What the license authorizes	95.307, 95.331, 95.333, 95.1705, 95.1731.
95.103 Licensee duties	95.1705.
95.105 License term	95.1705(e).
95.115 Station inspection	95.323.
95.117 Where to contact the FCC	95.329.
95.119 Station identification	95.1751.
95.129 Station equipment	95.335, 95.1761.
95.135 Maximum authorized transmitting power	95.367, 95.1767.
95.139 Adding a small base station or a small control station	Removed.
95.141 Interconnection prohibited	95.349, 95.1749.
95.143 Managing a GMRS system in an emergency	95.1705(c), 95.1731.
95.171 Station operator duties	95.305, 95.1705.
95.179 Individuals who may be station operators	95.305, 95.1705.
95.181 Permissible communications	95.331, 95.377, 95.381, 95.1731.
95.183 Prohibited communications	95.333, 95.377, 95.381, 95.1733.
Appendix A to Subpart A of Part 95—Locations Where GMRS Is Regulated by the FCC.	95.307.
Subpart B—Family Radio Service (FRS)	Part 95, Subpart B.
95.191 (FRS Rule 1) Eligibility and responsibility	95.305, 95.359.
95.192 (FRS Rule 2) Authorized locations	95.307, 95.309.
95.193 (FRS Rule 3) Types of communications	95.331, 95.333, 95.349, 95.377, 95.531, 95.533, 95.577, 95.587.
95.194 (FRS Rule 4) FRS units	95.335, 95.337, 95.339, 95.519, 95.561, 95.587.
Subpart C—Radio Control (R/C) Radio Service	Part 95, Subpart C.
95.201 (R/C Rule 1) What is the Radio Control (R/C) Radio Service?	95.703.
95.202 (R/C Rule 2) How do I use these rules?	Removed.
95.203 (R/C Rule 3) Am I eligible to operate an R/C station?	95.305.
95.204 (R/C Rule 4) Do I need a license?	95.305.
95.205 (R/C Rule 5) Where may I operate my R/C station?	95.307.
95.206 (R/C Rule 6) Are there any special restrictions on the location of my R/C station?.	95.309
95.207 (R/C Rule 7) On what channels may I operate?	95.359, 95.725, 95.733, 95.763.
95.208 (R/C Rule 8) How high may I put my antenna?	95.317, 95.741.
95.209 (R/C Rule 9) What equipment may I use at my R/C station?	95.335, 95.337, 95.361, 95.735, 95.761.
95.210 (R/C Rule 10) How much power may I use?	95.337, 95.767.
95.211 (R/C Rule 11) What communications may be transmitted?	95.731, 95.771.
95.212 (R/C Rule 12) What communications are prohibited?	95.333, 95.733, 95.745.
95.213 (R/C Rule 13) May I be paid to use my R/C station?	95.333, 95.733(c).
95.214 (R/C Rule 14) Who is responsible for R/C communications I make?	95.343.
95.215 (R/C Rule 15) Do I have to limit the length of my communications?	95.357, 95.757.
95.216 (R/C Rule 16) Do I identify my R/C communications?	95.351.
95.217 (R/C Rule 17) May I operate my R/C station transmitter by remote control?	95.345, 95.745.
95.218 (R/C Rule 18) What are the penalties for violating these rules?	95.313.
95.219 (R/C Rule 19) How do I answer correspondence from the FCC?	95.311.

Previous CFR unit	Current CFR unit
95.220 (R/C Rule 20) What must I do if the FCC tells me that my R/C station is causing interference?.	95.311, 95.319.
95.221 (R/C Rule 21) How do I have my R/C transmitter serviced?	95.319, 95.719.
95.222 (R/C Rule 22) May I make any changes to my R/C transmitter?	95.319, 95.337.
95.223 (R/C Rule 23) Do I have to make my R/C station available for inspection?	95.323.
95.224 (R/C Rule 24) What are my station records?	95.311.
95.225 (R/C Rule 25) How do I contact the FCC?	95.329.
Subpart D—Citizens Band (CB) Radio Service	Part 95, Subpart D.
95.401 (CB Rule 1) What are the Citizens Band Radio Services?	95.303, 95.503, 95.903, 95.2103, 95.2503, 95.2303, 95.2703, 95.3103.
95.402 (CB Rule 2) How do I use these rules?	95.305, 95.307.
95.403 (CB Rule 3) Am I eligible to operate a CB station?	95.305, 95.905.
95.404 (CB Rule 4) Do I need a license?	95.305.
95.405 (CB Rule 5) Where may I operate my CB station?	95.307, 95.309.
95.406 (CB Rule 6) Are there any special restrictions on the location of my CB station?.	95.309.
95.407 (CB Rule 7) On what channels may I operate?	95.359, 95.363, 95.931, 95.963.
95.408 (CB Rule 8) How high may I put my antenna?	95.317, 95.941.
95.409 (CB Rule 9) What equipment may I use at my CB station?	95.337, 95.361, 95.935, 95.939, 95.961.
95.410 (CB Rule 10) How much power may I use?	95.337, 95.967.
95.411 (CB Rule 11) May I use power amplifiers?	95.939.
95.412 (CB Rule 12) What communications may be transmitted?	95.377, 95.931, 95.933.
95.413 (CB Rule 13) What communications are prohibited?	95.333, 95.933.
95.414 (CB Rule 14) May I be paid to use my CB station?	95.333, 95.933.
95.415 (CB Rule 15) Who is responsible for communications I make?	95.343.
95.416 (CB Rule 16) Do I have to limit the length of my communications?	95.357, 95.359, 95.957.
95.417 (CB Rule 17) Do I identify my CB communications?	95.351.
95.418 (CB Rule 18) How do I use my CB station in an emergency or to assist a traveler?.	95.357, 95.931, 95.957.
95.419 (CB Rule 19) May I operate my CB station transmitter by remote control?	95.303, 95.345, 95.945.
95.420 (CB Rule 20) May I connect my CB station transmitter to a telephone?	95.949.
95.421 (CB Rule 21) What are the penalties for violating these rules?	95.313.
95.422 (CB Rule 22) How do I answer correspondence from the FCC?	95.311.
95.423 (CB Rule 23) What must I do if the FCC tells me that my CB station is causing interference?.	95.311, 95.319.
95.424 (CB Rule 24) How do I have my CB transmitter serviced?	95.319, 95.919.
95.425 (CB Rule 25) May I make any changes to my CB transmitter?	95.337, 95.919.
95.426 (CB Rule 26) Do I have to make my CB station available for inspection?	95.323.
95.427 (CB Rule 27) What are my station records?	95.311, 95.343.
95.428 (CB Rule 28) How do I contact the FCC?	95.329.
Subpart E—Technical Regulations	Distributed.
95.601 Basis and Purpose	Distributed.
95.603 Certification required	95.335, 95.561, 95.761, 95.961, 95.1761, 95.1951, 95.2161, 95.2361, 95.2561, 95.2761, 95.2961, 95.3161.
95.605 Certification procedures	95.335, 95.2961, 95.3161.
95.607 CB transmitter modification	95.335, 95.337, 95.339, 95.935, 95.939, 95.987.
95.621 GMRS transmitter channel frequencies	95.363, 95.1763. 95.1765.
95.623 R/C transmitter channel frequencies	95.363, 95.763, 95.765.
95.625 CB transmitter channel frequencies	95.359, 95.363, 95.931, 95.963, 95.965.
95.626 FRS unit channel frequencies	95.363, 95.563, 95.565.
95.627 Medradio transmitters in the 401–406 MHz band	95.2503, 95.2525, 95.2559, 95.2563, 95.2565, 95.2567, 95.2569, 95.2573, 95.2579, 95.2587.
95.628 Medradio transmitters in the 413–419 MHz, 426–432 MHz, 438–444 MHz, and 451–457 MHz bands.	95.2525, 95.2559, 95.2563(e), 95.2565, 95.2567, 95.2569, 95.2573, 95.2587.
95.629 LPRS transmitter frequencies	95.2163, 95.2565.
95.630 WMTS transmitter frequencies	95.2363.
95.631 Emission types	95.371, 95.571, 95.771, 95.971, 95.1771, 95.1775, 95.2133, 95.2179, 95.2333, 95.2379, 95.2533, 95.2571, 95.2771, 95.2779, 95.2971.
95.632 MURS transmitter frequencies	95.2763, 95.2765, 95.2773.
95.633 Emission bandwidth	95.573, 95.773, 95.973, 95.1773, 95.2173, 95.2173, 95.2179, 95.2363, 95.2503, 95.2565, 95.2573, 95.2773.
95.635 Unwanted radiation	95.579, 95.779, 95.979, 95.1779, 95.2179, 95.2379, 95.2579, 95.2779.
95.637 Modulation standards	95.575, 95.971, 95.975, 95.1775.
95.639 Maximum transmitter power	95.367, 95.567, 95.767, 95.967, 95.1767, 95.2167, 95.2369, 95.2567, 95.2587, 95.2767, 95.3167.
95.643 DSRCS–OBU certification	95.3161.
95.645 Control accessibility	95.361, 95.761, 95.787.
95.647 FRS unit and R/C transmitter antennas	95.587(b), 95.787(a).
95.649 Power capability	95.367, 95.567, 95.767, 95.967, 95.1767, 95.2167, 95.2369, 95.2567, 95.2767, 95.3167.

Previous CFR unit	Current CFR unit
95.651 Crystal control required	Removed.
95.653 Instructions and warnings	95.361, 95.393.
95.655 Frequency capability	95.987(a), 95.987(b), 95.1761, 95.1787, 95.2763.
95.667 CB transmitter power	95.967, 95.987(c).
95.669 External controls	95.987(d).
95.671 Serial number	Removed.
95.673 Copy of rules	Removed.
Appendix 1 to Subpart E of Part 95—Glossary of Terms	95.303, 95.503, 95.703, 95.903, 95.1703, 95.2103, 95.2303, 95.2503, 95.2703, 95.2903, 95.3103.
Subpart F—218–219 MHz Service	Subpart F.
95.801 Scope	95.1901.
95.803 218–219 MHz Service description	95.1903.
95.805 Permissible communications	95.1905.
95.807 Requesting regulatory status	95.1907.
95.811 License requirements	95.1911.
95.812 License term	95.1912.
95.813 Eligibility	95.1913.
95.815 License application	95.1915.
95.816 Competitive bidding proceedings	95.1916.
95.819 License transferability	95.1919.
95.823 Geographic partitioning and spectrum disaggregation	95.1923.
95.831 Service requirements	95.1931.
95.833 Construction requirements	95.1933
95.835 Station identification	95.1935.
95.837 Station inspection	95.1937.
95.851 Certification	95.1951.
95.853 Frequency segments	95.1953.
95.855 Transmitter effective radiated power limitation	95.1955.
95.857 Emission standards	95.1957.
95.859 Antennas	95.1959.
95.861 Interference	95.1961.
Subpart G—Low Power Radio Service (LPRS)	Part 95, Subpart G.
95.1001 Eligibility	95.2105.
95.1003 Authorized locations	95.307.
95.1005 Station identification	95.351.
95.1007 Station inspection	95.323.
95.1009 Permissible communications	95.2131.
95.1011 Channel use policy	95.309, 95.359, 95.2125.
95.1013 Antennas	95.2141, 95.2167.
95.1015 Disclosure policies	95.2109, 95.2191, 95.2195.
95.1017 Labeling requirements	95.2193.
95.1019 Marketing limitations	95.2191, 95.2193, 95.2195.
Subpart H—Wireless Medical Telemetry Service	Part 95, Subpart H.
95.1101 Scope	95.2301.
95.1103 Definitions	95.2303.
95.1105 Eligibility	95.305, 95.2305.
95.1107 Authorized locations	95.307, 95.309, 95.2333.
95.1109 Equipment authorization requirement	95.335, 95.2361, 95.2393.
95.1111 Frequency coordination	95.2309.
95.1113 Frequency coordinator	95.2309(a).
95.1115 General technical requirements	95.371, 95.2369, 95.2379, 95.2333(c), 95.2363, 95.2365.
95.1117 Types of communications	95.2331, 95.2333, 95.2347, 95.2357.
95.1119 Specific requirements for wireless medical telemetry devices operating in the 608–614 MHz band.	95.2309(f).
95.1121 Specific requirements for wireless medical telemetry devices operating in the 1395–1400 and 1427–1432 MHz bands.	95.2309(g).
95.1123 Protection of medical equipment	95.2395.
95.1125 RF safety	95.2385.
95.1127 Station identification	95.351.
95.1129 Station inspection	95.323.
Subpart I—Medical Device Radiocommunication Service (MedRadio)	Part 95, Subpart I.
95.1201 Eligibility	95.305, 95.2503, 95.2505, 95.2547.
95.1203 Authorized locations	95.307, 95.2507.
95.1205 Station identification	95.351.
95.1207 Station inspection	95.323, 95.2523.
95.1209 Permissible communications	95.2531, 95.2533, 95.2549, 95.2557, 95.2559(c).
95.1211 Channel use policy	95.359, 95.2525.
95.1213 Antennas	95.2541.
95.1215 Disclosure policies	95.2595.
95.1217 Labeling requirements	95.2593.
95.1219 Marketing limitations	95.2591.
95.1221 RF exposure	95.2585.
95.1223 Registration and frequency coordination in the 2360–2390 MHz Band	95.2509.

Previous CFR unit	Current CFR unit
95.1225 Frequency coordinator	95.2509.
Subpart J—Multi-Use Radio Service (MURS)	Part 95, Subpart J.
95.1301 Eligibility	95.305.
95.1303 Authorized locations	95.307, 95.309, 95.2707.
95.1305 Station identification	95.351.
95.1307 Permissible communications	95.359, 95.371, 95.2725, 95.2731.
95.1309 Channel use policy	95.359.
95.1311 Repeater operations and signal boosters prohibited	95.2733.
95.1313 Interconnection prohibited	95.2749.
95.1315 Antenna height restriction	95.2741.
95.1317 Grandfathered MURS stations Subpart K—Personal Locator Beacons (PLB)	95.2705 Part 95, Subpart K.
95.1400 Basis and purpose	95.100, 95.2903.
95.1401 Frequency	95.2931, 95.2963, 95.2971.
95.1402 Special requirements for 406 MHz PLBs	95.2987, 95.2989, 95.2993.
Subpart L—Dedicated Short-Range Communications Service On-Board Units (DSRCS–OBUs).	Part 95, Subpart L.
95.1501 Scope	95.3101.
95.1503 Eligibility	95.305.
95.1505 Authorized locations	95.307.
95.1507 Station identification	95.351.
95.1509 ASTM E2213–03 DSRC Standard	95.3189.
95.1511 Frequencies available	95.325, 95.359, 95.3159, 95.3163, 95.3167.

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Part III

Securities and Exchange Commission

17 CFR Parts 211, 231, 241, et al.

Staff Accounting Bulletin No. 116; Commission Guidance Regarding Revenue Recognition for Bill-and-Hold Arrangements; Updates to Commission Guidance Regarding Accounting for Sales of Vaccines and Bioterror Countermeasures to the Federal Government for Placement Into the Pediatric Vaccine Stockpile or the Strategic National Stockpile; Rules

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release No. SAB 116]

Staff Accounting Bulletin No. 116

AGENCY: Securities and Exchange Commission.

ACTION: Publication of Staff Accounting Bulletin.

SUMMARY: This staff accounting bulletin modifies portions of the interpretive guidance included in the Staff Accounting Bulletin Series in order to make the relevant interpretive guidance consistent with authoritative accounting guidance and Securities and Exchange Commission rules and regulations. Specifically, the staff is updating the Series in order to bring existing guidance into conformity with the Financial Accounting Standards Board Accounting Standards Codification Topic 606, *Revenue from Contracts with Customers.*

DATES: *Effective:* August 29, 2017.

FOR FURTHER INFORMATION CONTACT: Ruth Uejio, Professional Accounting Fellow or Sylvia Alicea, Professional Accounting Fellow, Office of the Chief Accountant at (202) 551–5300 or Nili Shah, Deputy Chief Accountant, Division of Corporation Finance at (202) 551–3400, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The statements in staff accounting bulletins are not rules or interpretations of the Commission, nor are they published as bearing the Commission's official approval. They represent interpretations and practices followed by the Division of Corporation Finance and the Office of the Chief Accountant in administering the disclosure requirements of the federal securities laws.

List of Subjects in 17 CFR Part 211

Accounting, Reporting and recordkeeping requirements, Securities.

Dated: August 18, 2017.

Jill M. Peterson,

Assistant Secretary.

Accordingly, part 211 of title 17 of the Code of Federal Regulations is amended as follows:

PART 211—INTERPRETATIONS RELATING TO FINANCIAL REPORTING MATTERS

■ 1. Amend the table in subpart B by adding an entry for Staff Accounting Bulletin No. 116 at the end of the table to read as follows:

Subpart B—Staff Accounting Bulletins

Subject	Release No.	Date	Fed. Reg. vol. and page
* * *	*	*	* *
Publication of Staff Accounting Bulletin No. 116	SAB–116	August 29, 2017	[INSERT **Federal Register** CITATION.]

Note: The text of SAB 116 will not appear in the Code of Federal Regulations.

Staff Accounting Bulletin No. 116

This staff accounting bulletin (''SAB'') modifies portions of the interpretive guidance included in the Staff Accounting Bulletin Series in order to make the relevant interpretive guidance consistent with current authoritative accounting and auditing guidance and Securities and Exchange Commission (''Commission'') rules and regulations. Specifically, the staff is updating the Series in order to bring existing guidance into conformity with the Financial Accounting Standards Board (''FASB'') Accounting Standards Codification (''ASC'') Topic 606, *Revenue from Contracts with Customers* (''ASC Topic 606''). The FASB adopted ASC Topic 606 through its issuance of Accounting Standards Update (''ASU'') No. 2014–09—*Revenue from Contracts with Customers (Topic 606).*[1] In addition, the Commission has updated its interpretative guidance related to bill and hold arrangements and vaccine stockpiles.[2] This SAB provides guidance applicable upon a registrant's adoption of ASC Topic 606. Prior to adoption of ASC Topic 606, registrants should continue to refer to prior Commission and staff guidance on revenue recognition topics.

The following describes the changes made to the Staff Accounting Bulletin Series that are presented at the end of this release:

1. Topic 13: Revenue Recognition

a. Topic 13 is no longer applicable upon a registrant's adoption of ASC Topic 606. This topic provided the staff's views regarding then-existing general revenue recognition guidance as codified in ASC Topic 605. ASC Topic 606 provides a single set of revenue recognition principles governing all contracts with customers and supersedes the existing revenue recognition framework in ASC Topic 605, which eliminates the need for Topic 13. Additionally, upon adoption of ASC Topic 606, a registrant should no longer look to the guidance in Securities Exchange Act Release No. 23507 and Accounting and Auditing Enforcement Release No. 108, *In the Matter of Stewart Parness* (''AAER 108''), for criteria to be met in order to recognize revenue when delivery has not occurred (commonly referred to as ''bill-and-hold'') as ASC Topic 606 provides specific guidance for bill-and-hold arrangements.[3] Prior to adoption of ASC Topic 606, registrants should continue to refer to prior Commission and staff guidance on revenue recognition topics.

2. Topic 8: Retail Companies

a. Topic 8 is no longer applicable upon a registrant's adoption of ASC Topic 606. This topic provided the staff's views regarding (i) the prohibition of presenting sales of a leased or licensed department within a retailer's statement of comprehensive income consistent with the principles codified within ASC Subtopic 605–45 and (ii) the disclosure of finance charges imposed by retailers on credit sales. ASC Topic 606 provides guidance regarding the identification of performance obligations in a contract with a customer, presentation of revenue as a principal (on a gross basis)

[1] ASC Topic 606 was subsequently amended through the issuances of ASU No. 2015–14—Deferral of the Effective Date, ASU No. 2016–08—Revenue from Contracts with Customers (Topic 606) Principal versus Agent Considerations (Reporting Revenue Gross versus Net), ASU No. 2016–10—Revenue from Contracts with Customers (Topic 606) Identifying Performance Obligations and Licensing, ASU No. 2016–12—Revenue from Contracts with Customers (Topic 606) Narrow-Scope Improvements and Practical Expedients, and ASU No. 2016–20—Technical Corrections and Improvements to Update No. 2014–09, Revenue from Contracts with Customers (Topic 606)—Additional Corrections.

[2] *See Commission Guidance Regarding Revenue Recognition for Bill-and-Hold Arrangements,* Release No. 33–10402 (Aug. 18, 2017) and *Updates to Commission Guidance Regarding Accounting for Sales of Vaccines* and *Bioterror Countermeasures to the Federal Government for Placement into the Pediatric Vaccine Stockpile or the Strategic National Stockpile,* Release No. 33–10403 (Aug. 18, 2017).

[3] Release No. 33–10402.

or as an agent (on a net basis) as well as presentation of the effects of financing in the statement of comprehensive income, which eliminates the need for the guidance in Topic 8. Prior to adoption of ASC Topic 606, registrants should continue to refer to prior Commission and staff guidance on revenue recognition topics.

3. Topic 11: Miscellaneous Disclosure

a. Topic 11.A is modified to clarify that revenues from operating-differential subsidies presented under a revenue caption should be presented separately from revenue from contracts with customers accounted for under ASC Topic 606. Previously, Topic 11.A provided the staff's view that revenues from operating-differential subsidies be presented as a separate line item in the income statement either under a revenue caption or as credit in the costs and expenses section.

Accordingly, the staff hereby amends the Staff Accounting Bulletin Series as follows:

* * * * *

Topic 13: Revenue Recognition

* * * * *

C. Impact of a Registrant's Adoption of FASB ASC Topic 606, Revenue From Contracts With Customers

Topic 13 is no longer applicable upon a registrant's adoption of ASC Topic 606. Topic 13 provides the staff's views regarding the general revenue recognition guidance codified in ASC Topic 605. ASC Topic 606 provides a single set of revenue recognition principles governing all contracts with customers and supersedes the revenue recognition framework in ASC Topic 605, which eliminates the need for Topic 13. Prior to adoption of ASC Topic 606, registrants should continue to refer to prior Commission and staff guidance on revenue recognition topics.

* * * * *

Topic 8: Retail Companies

* * * * *

C. Impact of a Registrant's Adoption of FASB ASC Topic 606, Revenue From Contracts With Customers

Topic 8 is no longer applicable upon a registrant's adoption of ASC Topic 606. Topic 8 provides the staff's views regarding (i) the prohibition of presenting sales of a leased or licensed department within a retailer's statement of comprehensive income consistent with the principles codified within ASC Subtopic 605–45 and (ii) the disclosure of finance charges imposed by retailers on credit sales. ASC Topic 606 provides guidance regarding the identification of performance obligations in a contract with a customer, presentation of revenue as a principal (on a gross basis) or as an agent (on a net basis) as well as presentation of the effects of financing in the statement of comprehensive income, which eliminates the need for the guidance in Topic 8. Prior to adoption of ASC Topic 606, registrants should continue to refer to prior Commission and staff guidance on revenue recognition topics.

* * * * *

Topic 11.A. Operating-Differential Subsidies

Facts: Company A has received an operating-differential subsidy pursuant to the Merchant Marine Act of 1936, as amended.

Question: How should such subsidies be displayed in the statement of comprehensive income?

Interpretive Response: Revenue representing an operating-differential subsidy under the Merchant Marine Act of 1936, as amended, must be set forth as a separate line item in the statement of comprehensive income either under a revenue caption presented separately from revenue from contracts with customers accounted for under ASC Topic 606 or as a credit in the costs and expenses section.

* * * * *

[FR Doc. 2017–17912 Filed 8–28–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231, 241, and 271

[Release Nos. 33–10402; 34–81428; IC–32784]

Commission Guidance Regarding Revenue Recognition for Bill-and-Hold Arrangements

AGENCY: Securities and Exchange Commission.

ACTION: Interpretation.

SUMMARY: The Commission is publishing this interpretive release in order to bring existing guidance into conformity with Financial Accounting Standards Board Accounting Standards Codification Topic 606, *Revenue from Contracts with Customers.* Upon adoption of Accounting Standards Codification Topic 606, registrants should no longer rely on the guidance in Securities Exchange Act Release No. 23507 and Accounting and Auditing Enforcement Release No. 108, *In the Matter of Stewart Parness,* which set forth the criteria to be met in order to recognize revenue when delivery has not occurred.

DATES: *Effective:* August 29, 2017.

FOR FURTHER INFORMATION CONTACT: Kevin L. Vaughn, Senior Associate Chief Accountant, or Joseph R. Epstein, Professional Accounting Fellow, Office of the Chief Accountant, at (202) 551–5300, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–6561. Inquiries about this interpretive release also can be directed to *oca@sec.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In 1986, in Securities Exchange Act Release No. 23507 and Accounting and Auditing Enforcement Release No. 108, *In the Matter of Stewart Parness* (''AAER 108''), the Commission set forth criteria to be met in order to recognize revenue when delivery has not occurred (commonly referred to as ''bill-and-hold'').[1] The Commission staff reiterated this guidance in Staff Accounting Bulletin (''SAB'') Topic 13, *Revenue Recognition.* SAB Topic 13 expressed the staff's views on the basic principles of revenue recognition in then-existing generally accepted accounting principles and summarized in one location the existing guidance on revenue recognition to make that guidance more accessible to registrants and their auditors.

II. The Application of Generally Accepted Accounting Principles for Revenue Recognition Related to Bill-and-Hold Arrangements

The Commission historically has recognized pronouncements of the Financial Accounting Standards Board (''FASB'') as authoritative in the absence of any contrary determination by the Commission.[2] In Financial Reporting Release No. 70,[3] the Commission stated its determination that the FASB and its parent organization, the Financial Accounting Foundation, satisfied the criteria in Section 19(b) of the Securities Act of 1933[4] and, accordingly, FASB's financial accounting and reporting standards are recognized as ''generally accepted'' for purposes of the federal

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[1] *See In the Matter of Stewart Parness,* AAER 108 (Aug. 5, 1986).

[2] Rule 4–01(a)(1) of Regulation S–X, 17 CFR 210.4–01(a)(1). See Accounting Series Release (''ASR'') No. 150 (Dec. 20, 1973) and ASR No. 4 (Apr. 25, 1938).

[3] *Policy Statement: Reaffirming the Status of the FASB as a Designated Private-Sector Standard Setter,* Release Nos. 33–8221; 34–47743; IC–26028; FR–70 (Apr. 25, 2003) (''FR–70''); 68 FR 23333 (May 1, 2003).

[4] 15 U.S.C. 77s(b).

securities laws. As a result, registrants are required to comply with those standards in preparing financial statements filed with the Commission, unless the Commission provides otherwise.[5]

The FASB has issued comprehensive revenue recognition guidance in Accounting Standards Codification (''ASC'') Topic 606, *Revenues from Contracts with Customers* (''ASC Topic 606''), which supersedes most previous revenue recognition guidance issued by the FASB. Under ASC Topic 606, the general criteria for revenue recognition includes identifying the contract(s) with a customer, identifying the performance obligations in the contract, determining the transaction price, allocating the transaction price to the performance obligations in the contract, and recognizing revenue when (or as) the entity satisfies a performance obligation by transferring a promised good or service to a customer.[6] A good or service is transferred when (or as) the customer obtains control of that good or service, and ASC Topic 606 sets forth indicators of when control has been transferred.[7]

ASC Topic 606 also provides specific guidance on contracts under which an entity bills a customer for a product but the entity retains physical possession of the product until it is transferred to the customer at a point in time in the future (*i.e.,* a bill-and-hold arrangement).[8] ASC Topic 606 acknowledges that, for some contracts, a customer may obtain control of a product even though that product remains in an entity's physical possession.[9] In order to recognize revenue in a bill-and-hold arrangement, ASC Topic 606 requires consideration of the indicators of when control has been transferred and sets forth additional criteria to be met.[10]

III. Updated Commission Guidance

In light of the FASB's issuance of ASC Topic 606, upon a registrant's adoption of ASC Topic 606, it should no longer refer to the guidance in AAER 108 related to recognizing revenue in a bill-and-hold arrangement because ASC Topic 606 provides specific guidance on recognizing revenue for those arrangements.

The updated Commission guidance set forth in this interpretation is applicable upon a registrant's adoption of ASC Topic 606 and applies to all arrangements for which revenue is recognized in accordance with ASC Topic 606. Prior to a registrant's adoption of ASC Topic 606, the guidance in Securities Exchange Act Release No. 23507 and AAER 108 is still applicable to all arrangements for which revenue is recognized.

List of Subjects in 17 CFR Parts 231, 241, and 271

Accounting, Securities.

Amendments to the Code of Federal Regulations

For the reasons set out in the preamble, the Commission is amending title 17, chapter II of the Code of Federal Regulations as set forth below:

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

■ 1. Part 231 is amended by adding an entry for Release No. 33–10402 at the end of the table to read as follows:

Subject	Release No.	Date	Fed. Reg. vol. and page
* * *	*	*	* *
Commission Guidance Regarding Revenue Recognition for Bill-and-Hold Arrangements.	33–10402	Aug. 18, 2017	[INSERT **Federal Register** CITATION].

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

■ 2. Part 241 is amended by adding an entry for Release No. 34–81428 at the end of the table to read as follows:

Subject	Release No.	Date	Fed. Reg. vol. and page
* * *	*	*	* *
Commission Guidance Regarding Revenue Recognition for Bill-and-Hold Arrangements.	34–81428	Aug. 18, 2017	[INSERT **Federal Register** CITATION].

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

■ 3. Part 271 is amended by adding an entry for Release No. IC–32784 at the end of the table to read as follows:

[5] *See* FR–70; Rule 4–01(a)(1) of Regulation S–X, 17 CFR 210.4–01(a)(1).

[6] *See* ASC paragraph 606–10–05–04.

[7] *See* ASC paragraphs 606–10–25–23 through 25–30.

[8] *See* ASC paragraphs 606–10–55–81 through 55–84.

[9] *See* ASC paragraph 606–10–55–82.

[10] *See* ASC paragraph 606–10–55–83.

Subject	Release No.	Date	Fed. Reg. vol. and page
* * *	*	*	* *
Commission Guidance Regarding Revenue Recognition for Bill-and-Hold Arrangements.	IC–32784	Aug. 18, 2017	[INSERT **Federal Register** CITATION].

By the Commission.

Dated: August 18, 2017.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–17913 Filed 8–28–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231, 241, and 271

[Release Nos. 33–10403; 34–81429; IC–32785]

Updates to Commission Guidance Regarding Accounting for Sales of Vaccines and Bioterror Countermeasures to the Federal Government for Placement Into the Pediatric Vaccine Stockpile or the Strategic National Stockpile

AGENCY: Securities and Exchange Commission.

ACTION: Interpretation.

SUMMARY: The Securities and Exchange Commission is publishing this interpretive release to update previously issued guidance with respect to accounting for sales of vaccines and bioterror countermeasures to the Federal Government for placement into stockpiles related to the Vaccines for Children Program or the Strategic National Stockpile. This update is being provided to bring existing guidance into conformity with Financial Accounting Standards Board's Accounting Standards Codification Topic 606, *Revenue from Contracts with Customers.* This guidance is applicable upon a registrant's adoption of Accounting Standards Codification Topic 606 and is applicable to all arrangements for which revenue is recognized in accordance with Accounting Standards Codification Topic 606.

DATES: *Effective:* August 29, 2017.

FOR FURTHER INFORMATION CONTACT: Kevin L. Vaughn, Senior Associate Chief Accountant, or Joseph R. Epstein, Professional Accounting Fellow, Office of the Chief Accountant, at (202) 551–5300, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–6561. Inquiries about this interpretive release also can be directed to *oca@sec.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The Securities and Exchange Commission (''Commission'') continues to be committed, as stated in previously-issued guidance (the ''2005 Release''),[1] to addressing any unintended consequences of accounting requirements that could impair the nation's ability to create and maintain sufficient supplies of various vaccines and bioterror countermeasures (''enumerated vaccines''). The Commission issued the 2005 Release to address questions about the timing of revenue recognition for vaccines placed into the Vaccines for Children Program and the Strategic National Stockpile. At the time of the 2005 Release, some expressed concerns that the application of generally accepted accounting principles may require revenue recognition to be delayed beyond the period in which the vaccine is placed in the stockpile, and may have an unintended consequence of causing some vaccine manufacturers to decline to participate in these critical stockpile programs. The Commission published the guidance in the 2005 Release to resolve the accounting questions. With the Financial Accounting Standards Board's (''FASB'') issuance of Accounting Standards Codification (''ASC'') Topic 606, *Revenues from Contracts with Customers* (''ASC Topic 606''),[2] we are providing this updated guidance.

Government vaccine stockpile programs are unique in many respects. For example, the primary objective of purchasing the vaccines is not to take delivery for ultimate use but rather to be able to require immediate delivery on notice. An additional characteristic of vaccine stockpiles is the limited shelf life of the vaccines. For these and other reasons, the Commission continues to limit this guidance to the vaccines enumerated below.

II. The Application of Generally Accepted Accounting Principles for Revenue Recognition to Vaccine Stockpiles

The Commission historically has recognized pronouncements of the FASB as authoritative in the absence of any contrary determination by the Commission.[3] In Financial Reporting Release No. 70,[4] the Commission stated its determination that the FASB and its parent organization, the Financial Accounting Foundation, satisfied the criteria in Section 19(b) of the Securities Act of 1933 [5] and, accordingly, FASB's financial accounting and reporting standards are recognized as ''generally accepted'' for purposes of the federal securities laws. As a result, registrants are required to comply with those standards in preparing financial statements filed with the Commission, unless the Commission provides otherwise.[6]

Although no specific guidance has been published by the FASB related to revenue recognition for vaccine stockpiles, the FASB has issued comprehensive revenue recognition guidance in ASC Topic 606, which supersedes most previous revenue recognition guidance issued by the FASB.

In response to the new, comprehensive revenue recognition model in ASC Topic 606, simultaneous with publication of this release, the Commission has issued an interpretation stating [7] that upon the registrant's adoption of ASC Topic 606, such registrant should no longer rely on the guidance in Securities Exchange Act Release No. 23507 and Accounting and

[1] *See Commission Guidance Regarding Accounting for Sales of Vaccines and Bioterror Countermeasures to the Federal Government for Placement into the Pediatric Vaccine Stockpile or the Strategic National Stockpile,* Release No. 33–8642 (Dec. 5, 2005).

[2] The International Accounting Standards Board (IASB) has also issued IFRS 15, *Revenue from Contracts with Customers* (IFRS 15). The issuance of ASC Topic 606 and IFRS 15 completes the joint effort by the FASB and IASB that was undertaken with the intent of improving financial reporting by creating converged comprehensive revenue recognition guidance for U.S. GAAP and IFRS.

[3] Rule 4–01(a)(1) of Regulation S–X, 17 CFR 210.4–01(a)(1). See Accounting Series Release (''ASR'') No. 150 (Dec. 20, 1973) and ASR No. 4 (Apr. 25, 1938).

[4] *Policy Statement: Reaffirming the Status of the FASB as a Designated Private-Sector Standard Setter,* Release Nos. 33–8221; 34–47743; IC–26028; FR–70 (Apr. 25, 2003) (''FR–70''); 68 FR 23333 (May 1, 2003).

[5] 15 U.S.C. 77s(b).

[6] *See* FR–70; Rule 4–01(a)(1) of Regulation S–X, 17 CFR 210.4–01(a)(1).

[7] *Commission Guidance Regarding Revenue Recognition for Bill-and-Hold Arrangements,* Release No. 33–10402 (Aug. 18, 2017).

Auditing Enforcement Release No. 108, *In the Matter of Stewart Parness* (''AAER 108''),[8] which set forth criteria to be met in order to recognize revenue when delivery has not occurred. The Commission staff had previously reiterated the guidance in AAER 108 in Staff Accounting Bulletin (''SAB'') Topic 13, *Revenue Recognition,* which the staff is modifying as a result of the FASB's issuance of ASC Topic 606.

Under ASC Topic 606, the general criteria for revenue recognition includes identifying the contract(s) with a customer, identifying the performance obligations in the contract, determining the transaction price, allocating the transaction price to the performance obligations in the contract, and recognizing revenue when (or as) the entity satisfies a performance obligation by transferring a promised good or service to a customer.[9] A good or service is transferred when (or as) the customer obtains control of that good or service and ASC Topic 606 sets forth indicators of when control has been transferred.[10]

ASC Topic 606 also provides specific guidance on contracts under which an entity bills a customer for a product but the entity retains physical possession of the product until it is transferred to the customer at a point in time in the future (*i.e.,* a bill-and-hold arrangement).[11] Topic 606 acknowledges that, for some contracts, a customer may obtain control of a product even though that product remains in an entity's physical possession.[12] In order to recognize revenue in a bill-and-hold arrangement, Topic 606 requires consideration of the indicators of when control has been transferred and sets forth additional criteria to be met.[13]

III. Updated Commission Guidance

The Commission believes vaccine manufacturers should recognize revenue and provide the disclosures required under ASC Topic 606 when vaccines are placed into Federal Governmental stockpile programs because control of the enumerated vaccines will have been transferred to the customer and the criteria to recognize revenue in a bill-and-hold arrangement under ASC Topic 606 will have been met.

The following are the enumerated vaccines subject to this release:

- Childhood disease vaccines;
- Influenza vaccines; and
- Other vaccines and countermeasures sold to the Federal Government for placement in the Strategic National Stockpile.

Due to the uniqueness of the vaccine stockpile programs as discussed above, this interpretative guidance is not applicable to transactions other than the sales of enumerated vaccines by vaccine manufacturers.

Prior to a registrant's adoption of ASC Topic 606, the guidance contained in the 2005 Release is still applicable to all arrangements for which revenue is recognized.

List of Subjects in 17 CFR Parts 231, 241, and 271

Accounting, Diseases, Securities, Terrorism.

Amendments to the Code of Federal Regulations

For the reasons set out in the preamble, the Commission is amending title 17, chapter II of the Code of Federal Regulations as set forth below:

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

■ 1. Part 231 is amended by adding an entry for Release No. 33–10403 at the end of the table to read as follows:

Subject	Release No.	Date	Fed. Reg. Vol. and page
* * *	*	*	* *
Updates to Commission Guidance Regarding Accounting for Sales of Vaccines and Bioterror Countermeasures to the Federal Government for Placement into the Pediatric Vaccine Stockpile or the Strategic National Stockpile.	33–10403	Aug. 18, 2017	[INSERT **Federal Register** CITATION].

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

■ 2. Part 241 is amended by adding an entry for Release No. 34–81429 at the end of the table to read as follows:

Subject	Release No.	Date	Fed. Reg. vol. and page
* * *	*	*	* *
Updates to Commission Guidance Regarding Accounting for Sales of Vaccines and Bioterror Countermeasures to the Federal Government for Placement into the Pediatric Vaccine Stockpile or the Strategic National Stockpile.	34–81429	Aug. 18, 2017	[INSERT **Federal Register** CITATION].

[8] *See In the Matter of Stewart Parness,* AAER 108 (Aug. 5, 1986).

[9] *See* ASC paragraph 606–10–05–04.

[10] *See* ASC paragraphs 606–10–25–23 through 25–30.

[11] *See* ASC paragraphs 606–10–55–81 through 55–84.

[12] *See* ASC paragraph 606–10–55–82.

[13] *See* ASC paragraph 606–10–55–83.

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

■ 3. Part 271 is amended by adding an entry for Release No. IC–32785 at the end of the table to read as follows:

Subject	Release No.	Date	Fed. Reg. vol. and page
* * *	*	*	* *
Updates to Commission Guidance Regarding Accounting for Sales of Vaccines and Bioterror Countermeasures to the Federal Government for Placement into the Pediatric Vaccine Stockpile or the Strategic National Stockpile.	IC–32785	Aug. 18, 2017	[INSERT **Federal Register** CITATION].

By the Commission.

Dated: August 18, 2017.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2017–17914 Filed 8–28–17; 8:45 am]

BILLING CODE 8011–01–P

FEDERAL REGISTER

Vol. 82 Tuesday,

No. 166 August 29, 2017

Part IV

The President

Executive Order 13808—Imposing Additional Sanctions With Respect to the Situation in Venezuela

Federal Register
Vol. 82, No. 166
Tuesday, August 29, 2017

Presidential Documents

Title 3—

The President

Executive Order 13808 of August 24, 2017

Imposing Additional Sanctions With Respect to the Situation in Venezuela

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code,

I, DONALD J. TRUMP, President of the United States of America, in order to take additional steps with respect to the national emergency declared in Executive Order 13692 of March 8, 2015, and particularly in light of recent actions and policies of the Government of Venezuela, including serious abuses of human rights and fundamental freedoms; responsibility for the deepening humanitarian crisis in Venezuela; establishment of an illegitimate Constituent Assembly, which has usurped the power of the democratically elected National Assembly and other branches of the Government of Venezuela; rampant public corruption; and ongoing repression and persecution of, and violence toward, the political opposition, hereby order as follows:

Section 1. (a) All transactions related to, provision of financing for, and other dealings in the following by a United States person or within the United States are prohibited:

(i) new debt with a maturity of greater than 90 days of Petroleos de Venezuela, S.A. (PdVSA);

(ii) new debt with a maturity of greater than 30 days, or new equity, of the Government of Venezuela, other than debt of PdVSA covered by subsection (a)(i) of this section;

(iii) bonds issued by the Government of Venezuela prior to the effective date of this order; or

(iv) dividend payments or other distributions of profits to the Government of Venezuela from any entity owned or controlled, directly or indirectly, by the Government of Venezuela.

(b) The purchase, directly or indirectly, by a United States person or within the United States, of securities from the Government of Venezuela, other than securities qualifying as new debt with a maturity of less than or equal to 90 or 30 days as covered by subsections (a)(i) or (a)(ii) of this section, respectively, is prohibited.

(c) The prohibitions in subsections (a) and (b) of this section apply except to the extent provided by statutes, or in regulations, orders, directives, or licenses that may be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted before the effective date of this order.

Sec. 2. (a) Any transaction that evades or avoids, has the purpose of evading or avoiding, causes a violation of, or attempts to violate any of the prohibitions set forth in this order is prohibited.

(b) Any conspiracy formed to violate any of the prohibitions set forth in this order is prohibited.

Sec. 3. For the purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, trust, joint venture, corporation, group, subgroup, or other organization;

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States; and

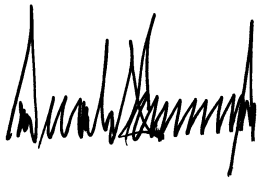
(d) the term ''Government of Venezuela'' means the Government of Venezuela, any political subdivision, agency, or instrumentality thereof, including the Central Bank of Venezuela and PdVSA, and any person owned or controlled by, or acting for or on behalf of, the Government of Venezuela.

Sec. 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including promulgating rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to implement this order. The Secretary of the Treasury may, consistent with applicable law, redelegate any of these functions to other officers and executive departments and agencies of the United States Government. All agencies of the United States Government shall take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 5. For those persons whose property or interests in property are affected by this order who might have a constitutional presence in the United States, I find that because of the ability to transfer funds or other assets instantaneously, prior notice to such persons of measures to be taken pursuant to this order would render those measures ineffectual. I therefore determine that for these measures to be effective in addressing the national emergency declared in Executive Order 13692, there need be no prior notice of a listing or determination made pursuant to this order.

Sec. 6. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 7. This order is effective at 12:01 a.m. eastern daylight time on August 25, 2017.



THE WHITE HOUSE,
August 24, 2017.

[FR Doc. 2017–18468
Filed 8–28–17; 11:15 am]
Billing code 3295–F7–P

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Federal Register

Vol. 82, No. 166

Tuesday, August 29, 2017

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